

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 5 December 2012

- PRESENT:** Councillor J Arwel Roberts (Chair)
Councillor W.T.Hughes (Vice-Chair)
- Councillors Lewis Davies, R Dew, Jim Evans, K P Hughes, W T Hughes,
Vaughan Hughes, C McGregor, R L Owen and Eric Roberts
- IN ATTENDANCE:** Planning Development Manager (DFJ)
Planning Assistants
Senior Engineer Development Control (EJ)
Legal Services Manager
Committee Officer (ATH)
- APOLOGIES:** Councillor W J Chorlton and E G Davies
- ALSO PRESENT:** Local Member: Councillor A.M.Jones (for application 7.2)
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1 APOLOGIES

Apologies for absence were submitted as noted above.

2 DECLARATION OF INTEREST

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

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 7 November, 2012 were submitted and confirmed as correct.

4 SITE VISITS

The minutes of the site visit held on 21 November, 2012 were submitted and confirmed as correct.

5 PUBLIC SPEAKING

The Chair informed the Committee that there would be public speakers in respect of applications 7.1 and 7.2.

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 10C114A Full application for the siting of a solar array farm on land adjacent to Tai Moelion, Ty Croes

The Planning Development Manager informed the Committee that it is recommended that Members visit the application site prior to making any determination on account of the nature and scale of the development.

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

6.2 37C174C Full application for the erection of one wind turbine with a maximum hub height of up to 36.5m, a maximum rotor diameter of up to 30m and a maximum vertical tip height of up to 46.1m together with the installation of a control kiosk and access track on land at Tre-Ifan, Brynsiencyn

The Planning Development Manager reported that it is considered that it would be beneficial for the Members to view the site and its context prior to determining the application.

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

6.3 39C285D Full application for the erection of 17 dwellings on land at Lon Gamfa, Menai Bridge

The Planning Development Manager informed the Committee that the Local Member had requested that a site visit be made; it was also considered necessary for Members to view the site and its context before considering the application in the meeting scheduled for January, 2013.

It was resolved to visit the application site for the reasons stated.

6.4 41C103N Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 33m and a maximum upright vertical tip height of up to 62m, the construction of an access track together with the erection of an equipment housing cabinet on land at Ty Gwyn, Penmynydd.

The Planning Development Manager reported that a site visit was held on 21st November, 2012. However, new information with a view to addressing an objection to the application by the Countryside Council for Wales has just been received. In order to allow consultees an opportunity to review that information it is recommended that the application is deferred with a view to presenting a full report and recommendation to the Committee's meeting in January, 2013.

It was resolved to defer the consideration of the application for the reason given.

7 APPLICATIONS ARISING

7.1 20C277 Full application for the erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical tip height of up to 72m together with the erection of a transformer station, utility housing and new access track and hardstanding land at Tai Hen, Rhosgoch.

The application was reported to the Committee as it had been decided that delegated powers will not be used in connection with wind turbine developments. A site visit was carried out in August 2012.

Prior to the Committee's considering the application, the Legal Services Manager reminded the Committee that changes in the Planning Matters Procedure Rules had been in effect on a 12 month pilot basis, the two major changes affecting this Committee being the prohibiting of a Local Member on the Committee from proposing, seconding or voting on an application in his/her electoral ward, and that a Member of the Committee had to be present during every previous consideration of an application including a site visit in order to participate in the consideration and determination of the application subsequently. The pilot had come to an end last month and a report on the matter with a view to implementing the changes permanently is to be considered by the County Council on the 6th December. The Executive in its deliberation on the issue has recommended a further 12 month trial period. The Legal Services Manager advised Members that technically therefore this meeting of the Planning and Orders Committee is operating under the old Planning Matters procedure rules in force before the pilot changes. However it is a matter for the Members

as individuals to decide at their own discretion whether they wish to adhere to the changed rules even though technically those are not in force but having regard to the recommendation to be made to the County Council.

The Chair invited Mairede Thomas, an objector to the application to address the Committee.

Mairede Thomas informed the Committee that she was speaking on behalf of the owners of Ty'n y Gors and she proceeded to draw Members' attention to the following issues in respect of the application:

- The proximity to Tyn y Gors of the group of turbines at the back of the property, the nearest turbine being 46m high and situated at a distance of 520 metres from the House. The resultant effect when standing in the garden is overbearing.
- The comparative scale of the current application which is for a 72m high turbine at a distance of 445m from the property.
- Tyn y Gors is surrounded on one side by the 24 turbines of the Rhyd y Groes wind farm; there are 15 turbines to the North East; four to the North and another 5 to the North West. To the South the Llyn Alaw wind farm can be glimpsed and two further turbines have been approved to the Southeast.
- The owners of Tyn y Gors have spent the last 7 years extending and reorientating their property so that most of the rooms have windows giving a prospect to the South West which is the one direction which is free of turbines. Approving the current application would mean that these 7 years would have been wasted and would mean the property is surrounded by turbines. However, none of the existing turbines are so large or so close or as overpowering as the subject of the application today.
- The effects on amenity of the noise and flicker generated by the turbines already in situ. Video footage of the flicker shown to her by the owners shows that it is unpleasant and they have explained that they are disturbed by the noise. The nearest turbines are to the North so the prevailing wind carries the noise away from the house. The subject of the current application however is directly in the path of the prevailing south westerlies meaning that there is nothing in the landscape to prevent the noise reaching the house. It would give rise to severe noise disturbance and would produce flicker for more of the time. These are health hazards.
- No mitigation for the noise and flicker other than the application of a condition compelling the developers to purchase the property of Tyn y Gors at market price in compensation.
- Refusal is possible on the grounds that the Welsh Government Planning Guidance suggests a minimum separation distance of 500m between turbines and homes.
- Admission by the developers that both nearby properties would be substantially affected.
- Overwhelming loss of amenity for the occupants of Tyn y Gors coupled with real danger from turbine noise are compelling reasons to use the Welsh Government Guidance and Local Plan to reject the application.

There were no questions from the Committee's Members on the submission given.

Mr James Merrigan was then invited by the Chair to address the Committee in support of the application.

Mr Merrigan cited the following reasons as grounds for approving the application-

- A community benefit payment to be made available at a rate of £5,000 per annum.
- Income generated from the turbine will help sustain the applicant's farm and will be invested back into the local economy.
- The limited degree of impact the turbine would have is significantly outweighed by the benefits it offers. It would also be viewed in the context of the nearby existing Rhyd y Groes wind farm located a couple of fields away.
- The proposal is fully in accordance with Development Plan and governmental energy policy. Based on the planning merits of the proposal, the application should be approved.
- The majority of people support the proposal. Whilst the Council received 40 letters of objection, 240 letters of support were received during the same timeframe.

Mr Merrigan concluded by saying that should the Committee grant the application, it would allow the applicant the opportunity to help fund his farming activities and to maintain the rural landscape by farming it as well as releasing £5,000 per annum to enable community benefits. In return, there will be a wind turbine on the landscape for a temporary period of 25 years. The benefits of the proposal therefore clearly outweigh any potential harm.

There were no questions to Mr Merrigan from the Committee's Members

The Development Control Manager drew Members' attention to the written report setting out the application and the associated considerations. At the time of writing the report the applicants had submitted an appeal against non-determination but that had yet to be validated. The Officer informed Members that the Planning Inspectorate had now validated the appeal meaning that the local Planning Authority is not able to determine the planning application as per the recommendation of the report. However the Inspectorate has confirmed that the application can be presented to the Committee for its recommendation only and not for determination. The Committee can only make a resolution on the Local Planning Authority's position in the and is therefore being asked to state its view in respect of the Officer's recommendation. The Officer then proceeded to refer Members to pages 22 and 24 of the report which describes the setting of the listed building of St Peirio Church, Rhosbeirio. Whilst an assessment of the impact on the building was undertaken at the time a fuller assessment has since been carried out by the Authority's Conservation Officer. In his opinion the impact on the listed building is significant graduating to moderate which can be mitigated by landscaping. It was the intention to stipulate a condition to that effect. Although the Officer recommendation is one of approval, the validation of the appeal against non determination means that the Planning Inspectorate will now deal with the application as one that has been refused. Given that in this instance the officers cannot defend a refusal there are two options available to the Committee, namely to confirm its support for the recommendation of approval thereby confirming to the Inspectorate that the Authority will not be contesting the appeal, or to state that it does not support the recommendation and is supportive of the Authority's contesting the appeal. In such a situation, it would be for the Committee to defend that position at appeal.

Councillor Clive McGregor said that had the application been presented for determination his view would be to reject it on the grounds that he believed the proposal constitutes a step too far in terms of the scale of the development within a rural area and its impact on the listed building of St Peirio church and the surrounding landscape. The proposed turbine will generate 500kw of power which is on a larger scale than any previous proposal of this kind and which he believed to be to more

than what is required for farming needs alone and is for financial profit. On that basis he proposed that the Committee does not support the recommendation of approval. Councillor Eric Roberts concurred with the views expressed by Councillor McGregor and he said that it was his view that the community benefits in this case did not outweigh the harm which the development would occasion. He therefore seconded Councillor McGregor's proposal. There were also doubts expressed as to whether landscaping would ameliorate the impact of the development on the listed building of the church.

Councillors Lewis Davies, Jim Evans, Clive McGregor, Eric Roberts and Vaughan Hughes voted in favour of not endorsing the Officer's recommendation of approval.

It was resolved not to endorse the Officer's recommendation of approval on the grounds that the proposed development would have a detrimental impact on the surrounding landscape of the area and also on the listed building of St Peirio Church.

The Development Control Manager indicated that pursuant to the Rules, Councillors Clive McGregor and Eric Roberts would be the ones to defend the decision on appeal.

7.2 44C292 Erection of one wind turbine with a maximum hub height of up to 44m, rotor diameter of up to 56m and a maximum upright vertical blade tip height of up to 72m together with the erection of a transformer station and utility housing, formation of a new access track and hardstanding and formation of a new link road near the junction with the B5111 on land associated with Llety, O.S. field numbers 0268 and 6366, Rhosybol

The application was reported to the Committee as it had been decided that delegated powers will not be used in connection with wind turbine developments. A site visit was undertaken in August 2012.

Ms Bethan Griffiths, an objector to the proposal was invited by the Chair to address the Committee. Ms Griffiths highlighted the following issues as grounds for objecting to the application –

- The manner in which the application was presented and the fact that the original applicant submitting the application had said that he owned the land of four other people which information was amended by e-mail only when it was understood by objectors to the application that the information was inaccurate. The application should have been presented anew with the correct plans otherwise it is not founded on true information and should not go ahead in law.
- The proximity of the proposal to nearby properties. The Welsh Government guidance advises that wind turbines should not be located within 500m of residential properties. The current proposal is for a turbine situated at 338m from the nearest property and is within 450m to three other properties.
- Concerns regarding the location of the proposed turbine on a road close to the main highway between Rhosybol and Llanerchymedd. A turbine as large as the one proposed will draw attention on a road that is already hazardous.
- The suitability of the single road to sustain the engines and lorries necessary to erect and service the turbine.
- Effects on amenity in terms of noise and potential effects on health which are contentious issues.
- Approval of the application could have repercussions for the wildlife in the vicinity.

- The Residential Amenity report is misleading and incorrect and states that the turbine would be visible from only one room in the property nearest to it whereas it would be visible from 4 rooms.
- The turbine would be visible from a wide area as it would be located on a hill. Anglesey is an Area of Outstanding Natural Beauty. A report undertaken shows wind turbine density on Anglesey is at least 7 times greater than the national average. There were no questions to Ms Griffiths from Members of the Committee. On the invitation of the Chair, Mr James Merrigan addressed the Committee in support of the application and he made the following points –
- Aside from the community benefit payment of £5,000 per annum and the clear benefits associated with the income generated being invested back into the local farm, the perceived impacts of the turbine are acceptable and that the limited degree of impact the development would have in terms of where it can be viewed from are significantly outweighed by the benefits it offers.
- Out of the statutory and internal consultees requested to provide an opinion by the Council, the officer's report highlights that only two out of a potential twelve objected. These were the Community Council and the Built Environment Section based on potential landscape impact and visual amenity considerations associated with one nearby house.
- The property in question is a bungalow located around 346m from the proposed turbine. Barring small evergreen trees in the front garden, the house would have a view of the proposal. However, the property does already have clear views of pylons spanning from Wylfa Power Station. It also has views of the existing Trysglwyn Wind Farm.
- The closest home to Trysglwyn Wind Farm with open views of turbines is located around 270m away from the closest turbine which is 76m closer than the closest property in question in this instance.
- In the context of existing pylons and an existing wind farm therefore, he did not believe that there would be an unacceptable impact in terms of landscape concerns or residential visual amenity. The turbine would not be overbearing.
- The benefits of the proposal as regards providing community and economic benefits far outweigh any temporary concerns that could result in refusal. The development is for a limited period of 25 years.

The Planning Development Manager informed the Committee that the circumstances of this application were similar to that of 7.1 in that the applicants had submitted an appeal against non-determination which had now been validated by the Planning Inspectorate. However in this instance the Officer recommendation is one of refusal of the application meaning that the Officers can, and are prepared to defend the position of refusal. Should the Committee disagree with the recommendation it can state that it does not wish the Authority to contest the appeal and that it would have approved the application had it been in a position to do so.

Councillor Aled Morris Jones addressed the Committee as Local Member. He informed Members at the outset that he had previously declared an interest in this matter and had sought legal advice which had confirmed that the interest was personal and not prejudicial. He thanked the Committee for visiting the site and viewing the proposed location of the wind turbine and he stated that the proposal is within Llandyfrydog rather than Rhosybol. He said that he was concerned by the number of wind turbine applications that exist within the areas of Llandyfrydog and Rhosybol. He had asked for a map to be shown indicating the locations where wind turbines had been giving planning consent, the current wind turbine farm at Trysglwyn along with proposed wind turbine sites. He believed that

consideration had to be given to the density of such developments and that he was concerned that they were beginning to surround the areas of Llandyfrydog and Rhosybol. He made specific reference to the assessment of the impact of the development on the visual amenity of the residents of the property known as Rhosydd Bungalow as documented in the written report which the Officer state would be substantially affected to an overbearing and overwhelming degree for the reasons outlined. He asked Members to endorse the Officer's position on the application and said that the overriding concern was the scale of the proposed development wherever it would be sited in the area.

Councillors Clive McGregor and Vaughan Hughes sought advice on their position given that they had not been present at the site visit when it was carried out in August. The Legal Services Manager confirmed that the period during which changes to the Planning Matters Procedure Rules had been piloted and were in force had now come to an end and had not been extended as yet meaning that the Committee was in a period of interregnum. It was therefore open to those Members to participate in the discussion although they had not been present on the site visit and especially bearing in mind the Officer's advice that the Committee is not able to come to a determination on the application.

Councillor Clive McGregor indicated that his view was the same as with the previous application and that he believed the current proposal represented a step too far. Councillor Eric Roberts proposed that the recommendation of refusal be endorsed and he was seconded by Councillor R.L.Owen.

It was resolved to support the Officer's recommendation of refusal of the application for the reasons given.

(Councillors Clive McGregor and Vaughan Hughes did not vote on the matter)

8 ECONOMIC APPLICATIONS

There were none to be considered at this meeting of the Planning and Orders Committee.

9 AFFORDABLE HOUSING APPLICATIONS

There were none to be considered at this meeting of the Planning and Orders Committee.

10 DEPARTURE APPLICATIONS

The Planning Development Manager informed the Committee that the application was a departure from the development plan which the local planning authority is minded to approve on the grounds that it can be supported under the Stopped Ynys Môn Unitary Development Plan. Moreover the advanced stage reached in the preparation of the Stopped Ynys Môn Unitary Development Plan means that in this instance weight can be attributed such as to outweigh the provisions of the development plan. The application is on an infill plot, there is previous planning history to the site and the current application is for a renewal of planning permission.

Councillor Jim Evans proposed that the application be approved and the proposal was seconded by Councillor Eric Roberts.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the report.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 19C1015A Full application for the erection of five dwellings together with the construction of a new vehicular and pedestrian access at English Methodist Church, Longford Road, Holyhead, Ynys Môn

The application has been presented to the Planning and Orders Committee as the applicant is related to a relevant officer as defined within paragraph 4.6.10.42 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 Manager informed Members that the Town Council had now responded to the application and although the Council does not object to this specific application it has expressed concerns regarding the traffic situation within the area in general. The Highways Officers are however satisfied with the development.

Councillor Eric Roberts proposed that the application be approved and the proposal was seconded by Councillor Clive McGregor.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the report and to no additional adverse comment being received by the closing date for representations of 12th December.

11.2 49C171G/1 Full application for alterations and extensions at 4 Gorwelion, Valley, LL65 3AP

The application has been brought for determination by the Planning and Orders Committee as the applicant is related to a "relevant officer" as defined within paragraph 4.6.10.42 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 Manager confirmed that no objection to the proposal had been received and that the design of the proposed extensions was acceptable.

Councillor Clive McGregor proposed that the application be approved and his proposal was seconded by Councillor Eric Roberts.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the report.

12 REMAINDER OF APPLICATIONS

12.1 11C591 Change of use of derelict land to form a nature and recreation area on land to the rear of 16-21 Bro Trehirion, Amlwch

Councillor W.T. Hughes declared an interest in this application but having received legal advice that the interest was personal and not prejudicial under Paragraph 12 of the Code of Conduct he remained at the meeting and participated in the discussion and voting thereon.

The application has been reported to the Planning and Orders Committee as the land is owned by the Isle of Anglesey County Council. The Local Member has also called the application to the Planning Committee due to local residents' concerns.

The Chair informed Members that the Local Member has requested that the Committee visit the site.

It was resolved to visit the application site in accordance with the Local Member's request.

12.2 19C1105 Full application for the installation of a below ground cut-off drain, inspection chamber and small packaged pump station on land adjacent to 1-12, Llys Watling, Holyhead, LL65 2PB

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

The Development Control Manager informed the Committee that since the report had been drafted representations had been received from the occupants of Flats 10 and 11 at Llys Watling who although not opposed to the application had expressed concerns regarding the potential noise that might be produced by the proposed pump station which is also an issue raised in the Officer's report. Since writing the report the Authority's Environmental Health Officer has confirmed that the pump station will not create a nuisance in terms of noise effects.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the condition contained within the report.

12.3 46LPA965/CC Full application for the widening of the slipway on land at Lôn Isallt, Trearddur Bay, LL65 2UN

The application has been referred to the Planning and Orders Committee as it is made on Council owned land.

Councillor Clive McGregor proposed that the application be approved and the proposal was seconded by Councillor Kenneth Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions contained within the report.

12.4 48LPA851C/CC Upgrade to the household waste recycling centre at Gwalchmai Recycling Centre, Gwalchmai

The proposal has been brought to the attention of the Planning and Orders Committee as it is made by the Council's Waste Management Department.

The Development Control Manager explained that the application was in relation to traffic management on site and is intended to separate public and commercial traffic flows at the site for safety purposes and also for increased ease of use of the site. The recommendation is one of approval with an amendment to condition 2. A condition cannot require a site to be kept "clean" and "tidy" as that is a subjective test.

Councillor Eric Roberts proposed that the application be approved with the amendment and the proposal was seconded by Councillor Clive McGregor.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions in the report as amended.

13 OTHER MATTERS

13.1 33C258A Application to determine whether prior approval is required for the erection of an extension to the existing agricultural shed for the housing of animals at Cefn Poeth, Penmynydd.

The Planning Development Manager reported that it had been determined that the prior approval of the Local Planning Authority was not required for the above development and that it constitutes permitted development. The matter has been reported to the Planning and Orders Committee therefore for information as the applicant is related to a member of staff.

It was resolved to accept the report and to note the information.

13.2 Application to determine whether prior approval is required for the erection of an agricultural shed for the storage of machinery and fodder at Bryn Derwydd, Brynsiencyn.

The Planning Development Manager reported that it had been determined that the prior approval of the Local Planning Authority was not required for the above development and that it constitutes permitted development. The matter has been reported to the Planning and Orders Committee therefore for information purposes only.

It was resolved to accept the report and to note the information.

**COUNCILLOR J.A.Roberts
CHAIR**