

Planning and Orders Committee

Minutes of the hybrid meeting held on 3 May 2023

- PRESENT:** Councillor Ken Taylor (Chair)
Councillor Glyn Haynes (Vice-Chair)
- Councillors Geraint Bebb, Jeff M Evans, Neville Evans,
T LI Hughes MBE, John Ifan Jones, R LI Jones, Jackie Lewis,
Dafydd Roberts, Alwen P Watkin, Robin Williams and Liz Wood
- Councillor Nicola Roberts – Portfolio Member for Planning, Public
Protection & Climate Change and Local Member for applications 7.5 &
12.1.
- IN ATTENDANCE:** Development Management Manager (RLJ),
Group Engineer (Development Control and Traffic Management) (AR),
Team Leader (GJ),
Business Systems and Support Officer (SP),
Legal Services Manager (RJ),
Committee Officer (MEH).
- APOLOGIES:** None
- ALSO PRESENT:** Local Members: Councillors Douglas M Fowlie (application 7.4); Llinos
Medi (application 7.6); Dafydd R Thomas (applications 7.1, 7.2 & 7.3);
Ieuan Williams (application 12.3)
- Councillors Paul Ellis, Carwyn Jones, Pip O'Neill, Gary Pritchard, Arfon
Wyn
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1 APOLOGIES

None received.

2 DECLARATION OF INTEREST

Councillor Jeff Evans declared that following legal advice he was able to take part and vote in respect of applications 7.1, 7.2 and 7.3.

Councillor Liz Wood declared a prejudicial interest in applications 7.4 and 7.6.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 5 April, 2023 were confirmed as correct subject to the inclusion of the name of Councillor Alwen Watkin to the members present.

4 SITE VISITS

The minutes of the Site Visits held on 26 April, 2022 were confirmed as correct.

5 PUBLIC SPEAKING

There were Public Speakers in respect of applications 7.1, 7.2, 7.3, 7.4 and 7.6.

6 APPLICATIONS THAT WILL BE DEFERRED

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

7 APPLICATIONS ARISING

Submitted for the Committee's information – A copy of a letter to Richard Buxton Solicitors dated 28 March, 2023 by Burges Salmon LLP addressing issues raised with regard to the implementation of the Land and Lakes permission under reference 6C427K/RE/EIA/ECON.

7.1 46C427L/COMP – Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON at Land and Lakes, Penrhos Coastal Park, Holyhead

The application was presented to the Planning and Orders Committee as it related to the discharge of obligations of a Section 106 Agreement attached to the consent of an application which was accompanied by an Environmental Impact Assessment. It was therefore referred to the Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution. At the previous meeting of the Planning and Orders Committee held on 5 April, 2023 it was resolved to defer consideration of the application.

Public Speaker

Mrs Hilary Paterson-Jones, spoke as an objector to the application and said that over 16,000 people who oppose the Land and Lakes plans for Penrhos are following on social media. There are profound implications for the community of Holy Island and Anglesey in allowing the felling of so many trees, Penrhos being the only woodland we have. The plundering of forests by developers has led to the vanishing of around half of Wales' animal and plant life. We are in a Nature Crisis. NRW found the risk to 6,200 species-3,902 are threatened with extinction, specifically in Wales in the next few years. Since Cop15 Welsh Government has added its voice to protect and manage precious habitats such as Penrhos. Changes to PPW 6.4 on the resilience of ecosystems, trees, woodlands and AONBs' have been strengthened. Ask yourself will this benefit be achieved at Penrhos? i.e. will the result be better than the starting state for species after the felling of almost 30 acres of ancient and veteran trees? It is extraordinary that Wales has a nature recovery action plan, yet you are allowing developers to desecrate our Welsh heritage landscape for 500 cabins, supermarkets, bars, restaurants and a tropical swimming pool and concreting swathes of woodland for almost 1,000 cars! We have timestamped, dated evidence that a material start has not lawfully commenced by Land & Lakes for their World Class Leisure village. Works have not begun within the time period expressed on the permission, therefore, permission has lapsed. As defined in the Town and Country Planning Act. The digging

of foundations, laying out or construction of a road and a material change to building or land. The Bailiffs Tower is allegedly a 'Visitor Centre', we have photographic evidence that signs still show the building remains 'Holyhead Cricket Club. Land & Lakes ripped out a carpet from the room, moved chairs/benches to the side. There are no pamphlets or stands one would presume for a Visitor Centre. We are surely not foolish enough to believe the small pathway of 12 foot is a road, if this is the case, I have 3 roads in my small garden. Throwing stones on top of grass that is now so overgrown and is completely hidden from the naked eye does not constitute a road. One would think the larger the development, the more significant and substantial the material start should occur. I'm certain if I was to have a small conservatory to my house, dropping off a bag of sand in my garden the day my permission expires would not be considered a material start, and I would have planning officers in an uproar. We refute that a material start has been implemented, Land & Lakes should submit a fresh application or it looks like we may be heading to Court.

The Legal Services Manager said that the letter by Richard Buxton Solicitors has once again been included with the documents within the Agenda for the meeting. A further letter has been received by Richard Buxton Solicitors which has also been sent directly to Members of the Committee which is a summary of their opinion on the matters raised. He noted that it is considered that there are no new significant matters within the letter and thus the officers' summary and finding are the same as within the Bruges Salmon letter received by Richard Buxton Solicitors. The matters in the letter are not linked nor linked to the planning issues raised to the planning applications before the Committee.

Councillor Jeff Evans proposed that the 3 applications should be considered as one application. The Committee voted in favour.

The Development Management Manager reported that the planning permission was granted to Land and Lakes for a hybrid development on the 19th of April 2016. The hybrid permission included the 3 separate, but interrelated sites of Penrhos, Cae Glas and Kingsland. It is considered that the original permission has been implemented legally and that the principle of this application has been established as part of the original application. The three applications in front of the Committee are not an opportunity to challenge the merits of the permission itself, these are specific and detailed matters that required the agreement of the Local Planning Authority in accordance with the requirements of the section 106 legal agreement. As the original permission was in hybrid form, a large part of the permission has outline permission and the developer will need to submit reserved matters applications before they can commence developing the holiday cabins. Reserved matters applications have been submitted for the paths within the public access land of Penrhos, but not for the next stages of the development, namely the holiday cabins themselves. An application of this kind will include matters such as the design of the cabins, parking and highways, ecological and environmental issues etc. and the developer will have to undertake all the necessary surveys as part of these reserved matters applications.

The Council will consult on any applications of this nature and the public will have an opportunity to be part of the consultation process. However, on this occasion, the applications before this Committee do not affect or change the principle of the development that has already been granted. These applications are intended to agree some of the obligations included in the original section 106 agreement only (i.e. the original permission still stands whatever the decision on these applications today). This specific application seeks to discharge the requirements of sections 7 and 13.1 of Schedule 8 of the Section 106 Agreement in relation to the submission of a Community Liaison Group Scheme and Penrhos Public Access Land Scheme. These documents

relate specifically to the land defined as Penrhos Public Access Land. These documents will need to be updated, and specifically the Community Contact Group Plan, as things progress with the other stages of the development. The Developer has submitted both documents in accordance with the section 106 agreement and the Committee Report includes details of the content of these documents. The Planning Department has consulted on these documents and are satisfied that they meet the requirements. The details submitted are considered acceptable for this stage of the development and meet the requirements of section 7 ac 13.1 of Schedule 8 of the Section 106 Agreement. The recommendation is therefore to agree that the information submitted as part of the development is sufficient to discharge the requirements of the Section 106 Agreement.

The Chair agreed to allow Councillor Dafydd R Thomas to speak as regards to the application following his request to speak.

Councillor Dafydd R Thomas said that he appreciated the work undertaken by the Save Penrhos Group as regards to the proposal by Land and Lakes. He noted that the hybrid application is complex and considered that the decision to approve the original application at Penrhos Coastal Park was a wrong decision undertaken. In the first instance, there was promise of job opportunities related to the development as part of the Wylfa Newydd project with the building of houses in the Kingsland area and incorporating the Cae Glas site. Councillor Thomas considered that the only way to reverse the decision is through judicial review, Court proceedings or Welsh Government could intervene. The ethos of Welsh Government has shifted as regards to green and environmental issues and the development at Penrhos Coastal Park would surely be against their green policies. He further said that the Committee has three options to defer the applications, refuse the applications with the possibility of the developer appealing the decision to Welsh Government or to approve the applications. Councillor Thomas ascertained whether approving the applications before today's meeting would make it easier for the developer to develop the site?

In response to the comments made the Development Management Manager said that in his opinion deferring consideration of the applications would not resolve the issues. He noted that there is a difference of opinion between Richard Buxton Solicitors and Burgess Salmon and it is considered that both sides to this matter will not come to an agreement as regards this application. He reiterated that the three applications before the Committee are in connection with specific issues under the Section 106 agreement only and have nothing to do with the legality of the original permission. In response to the question raised as to whether the approval of the conditions imposed on the application would make it easier for the developer to develop the site the Development Management Manager said that the developer has provided evidence that the works has commenced on the site already.

Councillor Jeff Evans and a Local Member said that he wished to see the matters resolved as regards to this application and that it should be fair and transparent process and would allow everyone to be confident that planning matters take full and unbiased consideration of all person's views whether they be for or against the development. He noted that there are doubts as to whether the works have commenced on the site and in the letters from Richard Buxton Solicitors which states *'that the permission for outline and full applications have not be lawfully implemented and since the deadline date has passed it is now incapable to be so implemented. Accordingly the developer should be required, if he so wishes to continue with the development, to submit a fresh application. It naturally follows that the Council has no jurisdiction to consider the two discharged conditions on the 3rd May'*. Councillor Evans proposed that the application be deferred as the Solicitors for both side needs to come

to a common agreement and if they are unable to come to common agreement then maybe it is the only option that the Courts should decide on the application. He referred that appeal decisions sent to Welsh Government with some been upheld and others dismissed indicates that the Committee does not always get it right.

The Development Management Manager expressed that these applications before the Committee is part of the Section 106 legal agreement and the developer has submitted the documentation as part of the requirements of the Section 106 legal agreement that works have commenced on site which have been consulted upon and are found to be acceptable. He expressed that he did not consider that any appeal of the decisions would be viewed any differently to which the Planning Officers have considered.

Councillor Robin Williams said that the Committee needs to make a decision and not defer the application once again. He referred to the minutes of the last meeting which noted the reason as to why he supported the decision to defer the application which states *'that he referred to an allegation made in a recent e-mail to the Committee's members about there being evidence to show what work had or had not be undertaken on the site and he asked that such evidence be made available to the Committee's members before the matter is considered further especially as the original consent for the Land and Lakes application and the discussions around it took place before the current Committee's membership was formed.'* Councillor Williams further said that he noted further in the meeting that *'he had indicated his support for a deferral clarified that he did not appreciate that it might be indefinite thinking any deferment would be for a month until the next meeting to allow the evidence to which he had referred to be presented and he was therefore withdrawing his support for the proposal'*. He said that he considered that a month was sufficient period to present evidence to the Committee as there are allegations that there are photos that the work has commenced. The second letter received from Richard Buxton Solicitors dated 26 April, 2023 does not raised further issues as that in the first letter received by them on 3 April, 2023.

Councillor Williams did not consider that there is any gain in deferring the application once again as it is obvious there is a difference of opinion between Richard Buxton Solicitors and Burges Salmon who represent the Council. He noted that all Members of the Council have received two briefing sessions by Officer's from the Council as regards to these applications.

Councillor Robert LI Jones said there is strong opposition to these applications and the role of an Elected Member is to listen to the people and to their concerns. He noted that he wrote a letter of objection in 2015 against the development at the Penrhos Coastal Park. There are new members on the Planning and Orders Committee now and he highlighted that the application was a hybrid application, which is very rare, as the developer had said that they could not afford to carry out the development at Penrhos Coastal Park without the profit of sale of the housing which was part of the Wylfa Newydd project. Councillor Jones further said that there should have been a clause in the approval of the original application that if Wylfa Newydd did not materialised the original application at the Penrhos Coastal Park could not proceed.

In response to the comments the Development Management Manager said that the consent granted is a hybrid consent, although the majority of the consent is outline, some elements are for full consent the reason being that change of use i.e. for the listed buildings on the site cannot be dealt with under outline consent so these elements come under the full consent. The three applications submitted refer to the Penrhos site alone; for the Kingsland and Cae Glas developments to go ahead would require a legal agreement between Land and Lakes and a new developer for the Wylfa site which is unlikely in the short-term. He noted as he reported to the Members

Briefing Sessions the developer has only 10 years (April 2026) to submit the reserved matters application as was stipulated in condition 3 of the original approval of the application.

Councillor Robin Williams said that he had concerns as to the comments as regards to appeal decisions. He noted that any developer/applicants may decide to go to appeal of any decision taken by the Committee. The developer of this application can decide to go to appeal to the Planning Inspectorate to challenge the decision if the Committee was minded to refuse the applications before the Committee. Councillor Williams further expressed that he did not consider any reason to defer the applications again and said that the Committee should make a decision either to refuse or approve the applications.

In response, Councillor Jeff Evans said that he had no issue in proposing to refuse the application. Councillor Evans proposed that the 3 applications be refused contrary to the Officer's recommendations. Councillor Robert LI Jones seconded the proposal of refusing the applications.

Councillor T LI Hughes MBE ascertained whether this Committee could withdraw the approval of the original application. In response, the Legal Services Manager said that the original permission was approved 7 years ago. He reiterated that the 3 applications before today's meeting are not related to the original permission. Any decision to challenge the original approval would need to be by way of judicial review through the courts.

Councillor T LI Hughes MBE further ascertained whether the Council has a policy for Council Officers to visit the site to view whether work has been started. In response, the Development Management Manager reiterated that the developer has submitted in April 2021, two reports as regards to works on footpaths and the Bailiff Tower, and therefore there is no need for Officer's to visit the site. The documentation has been submitted to the Council's Solicitors and all the evidence presented has been thoroughly reviewed.

Councillor Dafydd Roberts said that Burgess Salmon represents the Council and the residents of Anglesey. He noted that the decision to approve the original application has taken place in 2016 and any decision to try and revoke the decision would need to be determined through the Courts. The three applications before today's Committee relate to detailed issues under the Section 106 agreement. Councillor Dafydd Roberts proposed that the applications be approved. Councillor Geraint Bebb seconded the proposal of approval.

Councillor Robin Williams wished it to be made public what was said at the Members Briefing Session that if there was a legal challenge by the objectors with regard to the original approval of the application and the case was found in favour of the Save Penrhos Group, would the 3 applications at today's meeting not materialise. The Legal Services Manager responded that if the original permission was quashed then the 3 applications would also fall.

Following the vote, with 6 against the 3 applications and 5 in favour:-

It was RESOLVED to refuse the application contrary to the Officer's recommendation as it appears unclear whether the permission has been implemented at Penrhos Coastal Park.

Councillor Robin Williams abstained from voting.

In accordance with the requirements of the Constitution the application will be automatically deferred to the next meeting to allow the Officers to respond to the reason given for refusing the application.

- 7.2 S106/2020/3 – Submission of “Penrhos Coastal Park Welsh Language Scheme” under Section 1 (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed o Variation to vary the following provisions of this legal agreement: paragraphs 2.2.2 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their maintenance, paragraph 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008/Rev.03 dated 03/03/2016 at Land and Lakes, Penrhos Coast Park, Holyhead**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the previous meeting of the Planning and Orders Committee held on 5 April, 2023 the application was deferred.

It was RESOLVED to refuse the application contrary to the Officer’s recommendation for the same reason as in 7.1 above.

In accordance with the requirements of the Constitution the application will be automatically deferred to the next meeting to allow the Officers to respond to the reason given for refusing the application.

- 7.3 COMP/2021/1 – Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, Clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit – Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Warden Service Appointment/Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations/AONB Impact and use of Green Linkage monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the 106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON at Land and Lakes, Penrhos Coastal Park, Holyhead**

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the previous meeting of the Planning and Orders Committee held on 5 April, 2023 the application was deferred.

It was RESOLVED to refuse the application contrary to the Officer’s recommendation for the same reason as in 7.1 above.

In accordance with the requirements of the Constitution the application will be automatically deferred to the next meeting to allow the Officers to respond to the reason given for refusing the application.

7.4 FPL/2022/256 – Full application for the erection of 33 affordable homes, new vehicular and pedestrian access, construction of new estate road together with associated works on land adjacent to Crown Street, Gwalchmai

The application was presented to the Planning and Orders Committee at the request of both Local Member. At the previous meeting of the Planning and Orders Committee held on 5 April, 2023 it was resolved that a physical site visit be undertaken and subsequently the physical site visit took place on 26 April, 2023.

Public Speaker

Mr Maldwyn Owen spoke as an objector to the application and said that he had been selected to represent the people of Gwalchmai to speak against the application. He said that 119 letters and photographs of objections have been submitted, along with the Community Council's unanimous objection to the proposal. It is considered that the development is too big for the rural, close-knit, Welsh-speaking village, which is one of the poorest on the island, so why make a bad situation worse? According to the County Council, there are 913 housing applications on Anglesey, and 222 of them are in the Crigyll ward, therefore 24% of people want to live in one of the poorest wards on the island, which is a quarter of all applications. This doesn't make sense to us. Gwalchmai, which is already disadvantaged, has been earmarked for additional social housing, and, in the words of Cadnant, the Gwalchmai Service Village will have a high turnover of people. There are already 104 houses on the Maes Meuring Council estate, 22 in Llain Delyn, including a new development of 10 social dwellings by Cynefin. There is also one Clwyd Alyn house and Cynefin have four one-bed flats, next to the school, where there have been a number of serious incidents and two horrific incidents on the 8th and 9th of February. This application includes 12 one-bed flats. The plan gives no consideration to the additional strain on our village. The roads into the village from the A5 are very narrow in places. Arriva Buses has threatened to stop the service to the village and cars cannot pass each other, without adding to the traffic. The school is already under pressure, and 25% of the children have additional learning needs. There is no parking, and the Council has had to narrow the road due to safety. The doctor's surgery is also under pressure due to the demand, with only one full-time doctor serving a wide area. Once again, there is no parking and no facilities for disabled people outside the surgery. There is only a small shop, which is more than a quarter of a mile from the development, and parking on the A5 outside the shop creates total chaos. The impact assessment and report on the Welsh language are completely inadequate. This sort of application kills Welsh communities, and they have a detrimental impact on the use of the Welsh language and on our culture. The village already has plenty of needs and problems and we do not want to add to them. Mr Owen asked the Committee to consider the opinion of the majority of the people of Gwalchmai and refuse this application.

The Development Management Manager reported that the application is for the erection of 33 affordable dwellings together with the closing up of the existing access, creation of a new access and also the creation of a new internal access road. The new access will be 20m to the north to increase visibility from the site. In accordance with planning policy TAN 18 the Highways Authority requested that a speed survey be undertaken which resulted in the requirement for a visibility of 60m to the left and 70m to the right of the site. A provision for 75 parking spaces will be afforded on the site with an addition of 3 parking spaces for visitors. The dwellings will be 2 storey in their

construction and will be finished in tile roof covering, white render, red facing brickwork and white UPVC windows, doors and rainwater goods. The site will consist of a housing mix as is noted within the Officer's report. The development site is located in the rural settlement of Gwalchmai in a position directly adjoining Crown Street in the upper section of the village. The site in its present form is an agricultural enclosure and includes a splayed access leading directly from Crown Street, with stone walling forming the access and the remainder of the roadside boundary. The application site is considered in open countryside by virtue of its location outside of (but directly adjoining) the defined development boundary. He further said that the immediate locality of the site does not include a set pattern of development, with a diverse range of property types and finishing materials evident locally. The opposite side of Crown Street directly outside of the site includes both bungalows and 2 storey dwellings, with a range of finishing materials used. The Maes Meurig estate is directly to the south of the site comprising of terraced housing.

The Development Management Manager further said that as has been mentioned previously, the application site is outside the defined boundary of Gwalchmai but directly adjoins the boundary on 3 of its elevations and therefore can be considered as an exception site in line with planning policy TAI 16 of the Joint Local Development Plan. The developer needs to demonstrate that there is proven local need for affordable housing that cannot reasonably be delivered within the development boundary. The applicant has provided details of how supply and demand for housing was assessed by means of assessing the following sources: Anglesey Local Housing Market assessment; Census data; Tai Teg Affordable Register; Rural Housing Enabler Service and the Local Authority Social Housing Register. It was concluded that there was a need for 50 affordable dwelling in the Trewalchmai area, although it was acknowledged that there may be a degree of crossover in the various sources. The Housing Services Department has confirmed that there are 913 applications on the waiting list for Social Housing on Anglesey; 222 of which within the Crigyll Ward and 50 specifically on the waiting list for the Gwalchmai area. The Housing Services Department has also confirmed that there are 26 applications on the Tai Teg register for affordable dwellings in Gwalchmai. However, the department acknowledges that there may be duplication that some applicants are on both the Housing Services and Tai Teg waiting list but it is evident that there is a dire need for Social Housing. He further said that planning policy PCYFF 2 states that all housing developments should achieve a minimum housing density of 30 units per hectare to ensure the best and most efficient use of land. The development site is 0.83 hectares which equates to a housing density of 41 units per hectare and therefore the scheme achieves the minimum housing density set out under the policy. The Supplementary Planning Guidance Design Guide denotes that dwellings should include an area of approximately 55m² amenity area. The proposed site plan delineates the dwellings will include garden areas ranging between 54m² and 62m². Due to this, it is not considered that the development can in planning terms be legitimately considered as over development of the site. Planning Policy TAI 8 states that all new housing developments should contribute to improving the balance of housing stock and meet the identified needs of the whole community. As mentioned above, a housing mix statement was submitted as part of the application and included details of assessments made of various sources. The statement identified a local need in particular for 1 bed units, which the scheme has been designed to meet. The housing department were satisfied that the housing mix is appropriate and as such the department are of the opinion the scheme is in conformity with planning policy TAI 8.

It was further said that as Gwalchmai is a settlement has exceeded its indicative provision, it is required that the scheme is sufficiently justified and also support by the submission of a Welsh Language Impact Assessment which was assessed by the local

authority's Welsh Language and Policy Manager. The Council's Welsh Language and Policy Manager showed initial concerns and questioned some of the figures as the assessment included statistic for Bryngwaran and Bodffordd. The applicant confirmed that these are within the expanded ward of Trewalchmai and therefore it was important that the statistics cover the whole of the ward in the interest of accuracy. The Welsh Language and Policy Manager is satisfied with the explanation as the development is for affordable dwellings to address the local need in Gwalchmai and it was considered that it would not have a negative impact on the Welsh language as the occupant would be local or family links with the area. The Development Management Manager said that a letter dated 27 April, 2023 was received by the Welsh Language Commissioner following a complaint by a member of the public as regards to the assessment undertaken. As the complaint is valid the Welsh Language Commissioner is legally bound to undertake an investigation. He has asked the Council to confirm the facts before deciding on whether or not to conduct an investigation and the Council must respond by 15th May, 2023. As it is evident it is not considered that the development will have a negative impact on the Welsh language and the Authority is confident that there will be no further investigation by the Welsh Language Commissioner.

The Development Management Manager further reported that due to large scale developments having potential to effect the capacity of local school. Having assessed the current capacity of local schools and the likely requirements of the development, it was concluded by the education department that a total financial contribution of £67,497 would be required which consisted of £49,028 towards Ysgol y Ffridd, Gwalchmai and £18,469 towards post 16 pupils at Ysgol Uwchradd Bodedern. He further said that in accordance Supplementary Planning Guidance on Open Spaces in New Residential Development a financial contribution will be required by the developer of £15,211 towards open spaces which will include play equipment. The financial contribution will be secure by a Section 106 legal agreement.

Having reported on further main considerations as is noted within the report, the Development Management Manager said that the Planning Authority did have initial concerns as regards to the scale of the development with respect to the small country village, however, upon receipt of confirmation from the housing department that there is significant need for such a development, it is not considered there is sufficient material planning reason to refuse on this basis. As such, the department is satisfied that the proposal is in accordance with all relevant national and local planning policies and no other material considerations towards refusing the application. The recommendation is to approve the application subject to the completion of a Section 106 legal agreement together with other conditions contained within the Officer's written report.

Councillor Douglas M Fowlie, a Local Member said that there is significant objection to the development by the residents of the village of Gwalchmai with 119 letters of objection and the unanimous objection by the Trewalchmai Community Council. He wished to clarify that as a Local Member he also called-in the application to Committee for consideration. He noted that there are doubts as to the figures for affordable housing need in Gwalchmai is correct and whether they have been duplicated within different housing registers. The site is outside the development boundary and as there is a climate emergency another green agricultural field is to be lost in the countryside. During the physical site visit to the site, it was evident how narrow the highway network is within the area and the Community Council was refuse a pavement as the roads are too narrow. Councillor Fowlie considered that such a development would have an effect on the Welsh language as it is uncertain as to whether local people will reside in the properties. He referred that he is a Governor at Ysgol y Ffridd, Gwalchmai and no discussion has been undertaken as to the financial contribution from this development

towards the school. He expressed that the £49,028 financial contribution is insufficient to cover the costs of an additional teacher nor for a porta cabin on the ground of the primary school. Councillor Fowlie further raised as to the mix of dwellings proposed and noted that on the figures afforded the number of people on the waiting list for 4 bedroomed properties in April 2023 was zero and therefore, he questioned the need for 3 four bedroomed houses on the site. He further raised that there will be 12, 1 bedroom flats on the site, however, there are 36 people on the housing waiting list. He expressed that there are 1 bedroom flats empty in Holyhead for over a year and he considered that the housing mix on this proposed site does not address the housing need. He further expressed concern that the Betsi Cadwaladr Health Board had not responded to the public consultation process as regards to the capacity of the doctor's surgery. He questioned that Officers could have visited the surgery to ascertain their capacity.

Councillor Neville Evans, and a Local Member reiterated the comments of his fellow Local Member as regards to the proposed development. He noted that he is not against affordable housing development but there are strong local objection to the development. He noted that it was evident at an arranged public meeting in the village of Gwalchmai with over 60 people in attendance with most opposing the development. The Housing Association was not in attendance only the agent on behalf of the developer was in attendance which was a pre-application meeting. Councillor Evans expressed that as a previous Chair of the Planning and Orders Committee he is aware that application must be considered on their merits but this application with 33 dwellings in a small rural village which is proud of its history and of its Welsh community will have a detrimental effect as there are other development in the village that have already been approved. He further referred to some of the policies within the Council's Corporate Plan which is to create strong safe communities, safeguard the Welsh language and culture, ensure physical infrastructure or community resources i.e. water supply, health facilities, schools etc. Councillor Evans further said that it is important to note that a complaint has been forwarded by the residents to the Ombudsman regarding the accuracy of housing statistics, the need for as many houses and the formula used for the housing need in the area. He noted that a complaint has also been forwarded to the Welsh Language Commissioner as to the effect such a development will have on the Welsh language as the village has the majority of Welsh speaker of 70% living in the area. He further said that he had considered requesting a deferment of the application but following discussions with the Officer's it was stated that a decision on the application is required before the response to the complaints submitted to the Welsh Language Commissioner. Councillor Evans disagreed as he considered that it was more appropriate to await the response to the complaint as it will be too late to change the decision of the Committee if it was minded to approve the application.

Councillor Evans considered that the proposed development is over-development of the site with strong local objection and it is considered too large a development for the village and is outside the development boundary. Councillor Neville Evans proposed that the application be refused contrary to the Officer's recommendation.

The Development Management Manager in addressed the comments by the Local Members and said that the developer has to prove that there is a need locally for the housing development. As previously expressed consultation has been undertaken with the Housing Department and housing needs figures have been afforded with 50 on the social housing list in the Trewalchmai ward. Local need refers to the local area of Gwalchmai. He further said that the developer has submitted a Welsh Language Assessment in accordance with the requirements of the Supplementary Planning Guidance.

Councillor R LI Jones expressed that there is strong objection to the application and said that the development is outside the development boundary with the loss of agricultural land. He noted as it is noted in the report, that it seems that the housing department is influencing the planning department that there is significant need for such a development for housing. Councillor R LI Jones seconded the proposal of refusing the application.

Councillor John I Jones said that there a lot of uncertainties as regards to the application as to whether the doctor's surgery will be able to accommodate the residents from the proposed development, the number of people on the housing waiting list requiring 1 bedroom flats, the capacity of the primary school at present and if the school could take the children from this development. He noted that discussions have undertaken at a recent Scrutiny Committee as regards to regenerate Town Centres and there are opportunities to renew shops with flats above to accommodate people who require a 1 bedroom flat. He noted that geographically the development site is on the border of the development boundary of Trewalchmai questions needs to be raised as to whether villages can cope with such large development and the effect it can have on the Welsh language.

The Development Management Manager reiterated that the development site is on the boundary of the development boundary of Trewalchmai. He noted that there is a need for 36, 1 bedroom flats in the Trewalchmai area and said that the figures for housing needs afforded by the Housing Department is important and especially in respect of this application as it is outside the development boundary and the exception is that there is need for such dwellings in the area. With regard to the capacity of the doctor's surgery he noted that public consultation occurs with many planning applications and Betsi Cadwaladr Heath Board rarely respond. Discussions have undertaken with representatives from the Health Board to encourage them to respond to these application. Thereafter he referred to the capacity of the school and noted that consultation is undertaken with the Education Department and there is a formula within a Supplementary Planning Guidance as regards to financial contribution towards educational provision together with financial contribution towards playfield equipment.

In the ensuing vote, the proposal to refuse the application contrary to the Officer's recommendation was carried.

It was RESOLVED to refuse the application contrary to the Officer's recommendation as it was deemed to be overdevelopment, doubts as to whether there was sufficient local needs, too large a development for the village and outside the development boundary, strong objections within the community and against several policies within the Council's Corporate Plan.

In accordance with the requirements of the Constitution the application will be automatically deferred to the next meeting to allow the Officers to respond to the reason given for refusing the application.

7.5 HHP/2022/291 – Full application for the conversion of the garage into an annexe at Monfa, Holyhead Road, Mona

The application was presented to the Planning and Orders Committee at the request of a Local Member. At the previous meeting of the Planning and Orders Committee held on 5 April, 2023 it was resolved that a physical site visit be undertaken and subsequently the physical site visit took place on 26 April, 2023.

The Development Management Manager reported that the proposal involves alterations to the existing garage together with its conversion into an annexe. As was shown during the physical site visit the existing garage is located in close proximity to the rear elevation of the main dwelling and it is considered that it does not have any negative impacts on the neighbouring property. Small amendments are proposed to the external appearance of the building to accommodate its conversion into an annexe which is considered to have no impact on the design of the building. The applicant has provided justification behind the proposed scheme which will provide annexe accommodation for his parents. The annexe will share the same access, parking area and garden as the main dwelling and there will be a condition to ensure that the annexe will be used ancillary to the main dwelling. He further said that during the physical site visit it was obvious that there is ample parking facilities on the site and there has been no objections by the Highways Authority nor Welsh Water as regards to drainage matters. The site is located near the edge of the Special Landscape Area (SLA) 'Malltraeth Marsh & Surrounds' i.e. bordering on the A5, but it is considered that it will not have a detrimental effect on the area. The recommendation was of approval of the application subject to conditions contained within the Officer's report.

Councillor Nicola Roberts, speaking as a Local Member said that she had called in the application as the dwelling has been used as a holiday accommodation and this application for an annexe would add to the existing holiday let business, however, the applicant has afforded evidence that this will not be the case. The applicant now pays Council Tax on the property as a home and not a holiday let and has provided evidence that Monfa is their main home. She ascertained whether a condition could be enforced to ensure the conditions attached to any approval of the application.

Councillor Geraint Bebb, and a Local Member reiterated the comments of the fellow local member.

The Development Management Manager in response said that the applicant has said that he has lived in the property since September 2022 and the Council Tax department has confirmed that payment has been received since this date. He further said that condition (3) within the Officer's report restricts the usage of the proposed annexe as ancillary to the residential use of the main dwelling and this condition would be enforced.

Councillor Jeff Evans proposed that the application be approved. Councillor Neville Evans seconded the proposal of approval.

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

7.6 FPL/2020/247 – Full application for the erection of 9 dwellings together with associated works on land adjacent to Bryn Estate, Llanfaethlu

The application was presented to the Planning and Orders Committee as it had originally been called in for the Committee's determination by a former Councillor and Local Member. The planning application was approved by the Committee at its meeting in April, 2021 subject to conditions and the completion of a legal agreement. Following this resolution an amendment ownership Certificate C was submitted by the applicant giving notice to the Council as landowner. The application was subsequently referred back to the July 2021 meeting of the Committee at which it was approved. The legal agreement has yet to be completed. However, as amended plans have been received, it is considered necessary to publicise, consult and further report to the Planning and Orders Committee in light of these proposed changes. At the previous

meeting of the Planning and Orders Committee held on 5 April, 2023 the application was deferred to allow the Community Council time to scrutinise the application in accordance with timescales.

Public Speaker

Mr Jamie Bradshaw, spoke in support of the application said that the Authority's Officers are supportive of this scheme after detailed consideration of all issues. It is important to note first that this proposal is for minor changes to a scheme that was already approved by this committee in July 2021, with the only change being to the surface water drainage arrangements. The site also benefits from an implemented permission for 6 houses that has identical drainage arrangements to those proposed here. That scheme could be finished at any time, and this is an important fall-back that must be heard in mind. The Officers have correctly highlighted that the only matter that needs to be considered today is the minor change to the surface water drainage scheme. This previously proposed connecting to a drain at 17 Y Bryn. However, there was some concern about this from a neighbouring landowner, and whilst we do not agree that that concern was justified, in order to allay their concerns an amended drainage scheme has been produced that proposes connecting to a Local Authority surface water drain set near to no 1 Y Bryn. The proposed scheme was agreed in advance with the authority's Highways and Drainage Officers, and you will see that they are both in favour of the scheme. It has also received SAB approval from this Authority, and you will no doubt be aware that receiving SAB consent is a formal requirement for any development and that those applications are solely concerned with the acceptability and suitability of surface water drainage. The approval from these three departments of the Authority clearly confirms that the arrangements are acceptable and suitable, and there are no sound grounds for departing from their advice. There are also no grounds for departing from the conclusion of the committee when the case was approved in 2021. However, to briefly respond to recent comments it was confirmed that the development does in fact includes two affordable dwellings - which exceeds the 1.8 required policy, the Welsh Water sewer serving the site has adequate capacity as is confirmed by comments from Welsh Water, and the road serving it is also safe and entirely suitable for accommodating the development as is also confirmed by the highways department. All in all, the proposal entirely complies with the LDP, and is fully supported by the Officers after detailed consideration, and there is no sound basis for departing from their professional and considered advice. Neither can there be any basis for reaching a different decision to that which this committee reached in July 2021 as the development is the same, as is the Local Development Plan, and there has been no material change in circumstances that would justify reaching a differing decision. Thus, a proper assessment of the issues clearly and heavily weighs in favour of approving this scheme.

The Development Management Manager reported that outline planning permission was initially granted in 2007 for the development of 6 residential units on the application site. A reserved matters application was also subsequently granted and pre-commenced condition discharged. In 2020 an additional application was submitted to increase the number of units by 3 to 9 and the application and in July, 2021 the Planning and Orders Committee resolved to approve the application, subject to a legal agreement requiring the provision of two affordable housing units. It was noted that the legal agreement has not yet been signed, however, amended plans have been submitted and it is required that consultations needs to be undertaken and resubmission to the Committee as regards to the proposed amendments. He further said that as part of the previously approved scheme foul and surface water drainage proposed to be connected at points in the public highway adjacent to Y Bryn estate. No change is being proposed to the foul drainage. However, with respect to surface

water drainage, rather than the surface water drainage being connected to the existing drainage network, the pipework would instead be connected to an existing surface water drainage gully that is within the control of the Local Authority that is positioned within the highway a short distance to the east of 1 Y Bryn. Due to the size and nature of the development, the proposal requires approval of Sustainable Drainage Systems (SuDS). As such, an application has already been submitted and approved by the County Council as the determining SuDS Approval Body (SAB). These details granted by the SuDS application incorporates the same proposed drainage details which have been submitted as amended drawings. The principle of the development has previously been accepted by the Committee subject. The recommendation was to approve the application subject to the completion of a legal agreement as set out within the Officer's report.

Councillor Llinos Medi, a Local Member said that she asked for a deferment of the application at the last meeting of this Committee as the community council had not had sufficient time to formulate a viewpoint regarding the application. There has been previous concerns due to the removal of the affordable housing element of the development and surface water drainage from the site. Councillor Medi also referred to the historic drainage and sewerage problems in the village of Llanfaethlu and said that there were serious concerns within the community on that basis. However, she was pleased that the applicant is addressing these issues as regards to surface water and drainage concerns.

Councillor Robin Williams proposed that the application be approved. Councillor Jeff Evans seconded the proposal of approval.

Councillor T LI Hughes MBE abstained from voting as he was not present during the discussion on the application.

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

8 ECONOMIC APPLICATIONS

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

9 AFFORDABLE HOUSING APPLICATIONS

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

10 DEPARTURE APPLICATIONS

10.1 FPL/2023/43 – Retrospective application for the erection of a new dwelling together with the construction of new vehicular access on land adjacent to 27 Zealand Park, Caergeiliog

The application was presented to the Planning and Orders Committee as the proposal is contrary to policies of the Anglesey and Gwynedd Joint Local Development Plan but which the Local Planning Authority are minded to approve.

The Development Management Manager reported that the principle of the residential development of the site has already been established by an extant planning permission 32C192 and 32C192A. A Certificate of Lawfulness has been issued which confirms that a material start was made on the proposal which has secured the

permission. The application is to amend the design of the approved dwelling which will be 700mm higher than previously approved and with a slightly higher footprint. Whilst the previously approved dwelling was similar to the three recently developed properties on the opposite side of the access track the current proposal will respect the scale and character of the immediate adjoining property to the north of the site. He further said that 4 letters of objection have been received from the occupants of two neighbouring properties, it is not considered that the proposal will impact the amenities of the adjoining properties. The application is contrary to planning policy TAI 4 of the Joint Local Development Plan, there is a fall- back position of an extant permission on the land.

Councillor T LI Hughes MBE proposed that the application be approved. Councillor Dafydd Roberts seconded the proposal of approval.

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

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 FPL/2023/49 – Full application for the retention of a prefabricated building to the located on the land temporary until an additional 5 years to house two classrooms and toilets for use by pupils at Canolfan Addysg y Bont, Cildwrn Road, Llangefni

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

The Development Management Manager reported that the application is for the retention of a prefabricated building to be located on the land temporary until an additional 5 years to house two classrooms and toilets for the use by pupils at Canolfan Addysg y Bont. The prefabricated building was initially requested in order that essential extensive maintenance works could be undertaken to the roof at Canolfan Addysg y Bont. The prefabricated building enabled pupils to continue to access learning through as much face to face learning as possible whilst the essential works continued. The essential works to the roof has now been completed, however, the Property Section has requested to retain the prefabricated building on the land for an additional 5 years during which pupil numbers will be monitored and long-term solutions to provide additional space in the school will be investigated. It is not considered that the proposal has any impact upon the area as it is located with the curtilage of the school nor is it adjacent to residential properties.

Councillor Nicola Roberts, speaking as a Local Member said that there is a dire need for the prefabricated building as the school is over capacity.

Councillor Geraint Bebb proposed that the application be approved. Councillor Alwen Watkin seconded the proposal of approval.

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

12.2 FPL/2023/38 – Full application for the change of use of the former primary school into a community centre at Bodorgan Primary School, Bodorgan

The application was presented to the Planning and Orders Committee as the application site is owned by the Local Authority.

The Development Management Manager reported that the application is for the change of use of the former primary school into a community centre. He noted that 24 letters of support for the application have been received with 2 letters of objection and he wished to amend the Officer's report that the Bodorgan Community Council had responded during the consultation process and had noted that they had concerns as regards to the lack of information as regards to the application, the validity as to who is the applicant, the building is damp, no electricity and fire safety reports submitted, lack of structural report, traffic and parking issues, no ecological survey submitted together with issues relating to the lease of the building. However, the application is for the change of use of the building and issues raised are not required for such an application. He noted that the Ecology Officer has stated that there is no need for an ecological survey and there is no need for a structural report as the current building is to be used. Fire and electrical issues are not planning issues as they are relevant to building control matters. Material considerations as regards to the lease and the validity of the applicant is neither a planning matter.

The Development Management Manager further reported that the proposal involves the change of use of the former primary school into a community centre with no external changes proposed as part of the development. A Community Council has been part of the use of the primary school for a number of years, with this application proposing to expand the Community Centre use to the whole site after the educational use ceased. The applicant has stated that the Community Centre will host a range of community activities as was noted in the report. The organisation also have a link to Coleg Menai and will provide education and craft training at the school. He noted that planning policy ISA2 states that the development of new community facilities will be approved, provided that they comply with the specific criteria noted within the policy. It is considered that the proposed development will comply with the policy. It will provide an essential facility for the community of Bodorgan, using an existing building which is of an appropriate scale, and is sited in a central location for the whole of the community. No external changes are proposed to the building, and it is therefore considered to have no impact upon its surrounding natural and built environment, in compliance with policy PCYFF 3. The former primary school is in close proximity to neighbouring properties, however, given the former use of the building as a primary school, it is considered that the change of use into a community centre would have negligible impact on the neighbouring properties and it is considered that it conforms with planning policy PCYFF 2. He further said that there are no changes proposed to the parking arrangements or access of the site since the former school closed and it is considered that there is ample space for parking within the site to accommodate the proposed use. The Highways Authority have no objection to the proposal which is considered to comply with the relevant transport policies in the Joint Local Development Plan.

Councillor John I Jones, speaking as a Local Member said that he was pleased that the site of the former primary school at Bodorgan is to be used as a community centre and he proposed that the application be approved. Councillor T LI Hughes MBE seconded the proposal of approval.

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

12.3 HHP/2023/51 – Full application for demolition of the existing garage together with the erection of a two storey annexe at Lancefield, Ffordd Cynlas, Benllech

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

Councillor Ieuan Williams, a Local Member asked that a physical site visit be undertaken to the site.

Councillor Neville Evans proposed that a physical site visit be undertaken. Councillor Alwen Watkin seconded the proposal.

It was RESOLVED that a physical site visit be undertaken at the request of a Local Member.

12.4 ADV/2023/6 – Application for the replacement of interpretation sign at Amlwch Watchtower, Amlwch

The application was presented to the Planning and Orders Committee as it is an application being made by the County Council.

The Development Management Manager reported that the application is for an information monolith replacement board which will highlight the port's historic assets. It is considered that the application will have no effect on the amenities of neighbouring properties, the highway nor the conservation area.

Councillor Robin Williams proposed that the application be approved. Councillor Jeff Evans seconded the proposal of approval.

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

12.5 MAO/2023/2 – Minor amendments to scheme previously approved under planning permission FPL/2022/46 (erection of 12 dwellings together with the creation of an internal access) so as to allow amendments to the design and boundary treatment at land near Bryn Glas Estate, Brynsiencyn

The application was presented to the Planning and Orders Committee as the original consent was determined by the Committee.

The Development Management Manager reported that the application is for amendments to the approved plans regarding the reduction in cladding to rear of the dwellings, removal of retaining walls in rear gardens in line with Welsh Government Guidance and internal amendment to 4 bed dwelling. The proposed amendment is considered to be non-material in nature and it is not considered that the proposed amendments are such significance as to cause an impact different to that caused by the development originally approved.

Councillor Dafydd Roberts, speaking as a Local Member said that the development has commenced but there has been some objections by local residents that trees have been felled. He noted that in general the Community Council are satisfied with the proposal. Councillor Dafydd Roberts proposed that the application be approved.

Councillor Alwen Watkin, speaking as a Local Member reiterated the comments by her fellow Local Member and seconded the proposal of approval.

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

12.6 FPL/2022/219 – Full application for the change of use on ground floor from communal lounge to extension to flat above at 1 Lon Deg, Holyhead

The application was presented to the Planning and Orders Committee as the County Council is the applicant and owners of the land.

The Development Management Manager reported that the application is for the change of use of the ground floor communal lounge to be an extension of the existing residential flat above so as to make the entire building one residential accommodation together with alterations to the exterior of the building and the erection of a metal shed. As part of the application the applicant has confirmed that a consultation process has been carried out with the residents of the local area to assess their opinion on terminating the use of the communal lounge and its change of use into accommodation. The local residents had no objections to the proposed loss of the community facility. The proposed change of use of the ground floor communal lounge into an extension of the first floor residential flat is considered acceptable with the community facility being surplus to requirement, complying with planning policy ISA 2 with the proposed use providing an increase floor space and privacy for the occupants. The proposed development proposes the removal of a ground floor bathroom window and the construction of a new door on the North Eastern elevation together with the erection of a small metal shed to the North Western elevation. The new door opening will be screened from view from the neighbouring property by the existing garage building. The proposed new door and metal shed are considered acceptable as they do not have a negative impact on the existing dwelling and would not overlook neighbouring properties or their gardens complying with planning policies PCYFF 2 and PCYFF 3.

Councillor Jeff Evans proposed that the application be approved. Councillor Robert LI Jones seconded the proposal of approval.

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

13 OTHER MATTERS

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

**COUNCILLOR KEN TAYLOR
CHAIR**