

PLANNING AND ORDERS COMMITTEE

Minutes of the virtual meeting held on 3 November, 2021

- PRESENT:** Councillor Nicola Roberts (Chair)
Councillor Richard O. Jones (Vice-Chair)
- Councillors John Griffith, Glyn Haynes, Trefor Lloyd Hughes MBE, Kenneth Hughes, Vaughan Hughes, Eric Wyn Jones, Dafydd Roberts, Ieuan Williams, Robin Williams.
- Local Members: Councillors Aled M. Jones (application 7.2), Bryan Owen (application 13.1), Margaret M. Roberts (applications 7.1 and 7.3)
- IN ATTENDANCE:** Chief Planning Officer (DFJ)
Development Management Manager (RLJ)
Planning Built and Natural Environment Manager (JIW)
Planning Enforcement Manager (SO)
Senior Planning Officer (CR)
Senior Planning Officer (JBR)
Development Management Engineer (Highways) (WIH)
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** None received
- ALSO PRESENT:** Councillor Richard Dew (Portfolio Member for Planning and Public Protection), Councillors Carwyn Jones, R.G.Parry, OBE, FRAGS, Dafydd Rhys Thomas, Business Systems Manager (EW), Mr Gareth Williams (Local Democracy Reporter)
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1. APOLOGIES

There were no apologies for absence.

2. DECLARATION OF INTEREST

Councillor Robin Williams declared a personal and prejudicial interest with regard to application 11.1 on the agenda.

Councillors John Griffith and Richard Owain Jones both declared a personal and prejudicial interest with regard to application 12.1 on the agenda.

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous virtual meeting of the Planning and Orders Committee held on 6 October, 2021 were presented and were confirmed as correct.

4. SITE VISITS

The minutes of the virtual site visit held on 20 October, 2021 were presented and were confirmed as correct.

5. PUBLIC SPEAKING

There was one Public Speaker in respect of application 7.2 on the agenda.

6. APPLICATIONS THAT WILL BE DEFERRED

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

7. APPLICATIONS ARISING

7.1 FPL/2021/145 – Full application for the siting of 2 shepherd huts at Rhosydd, Brynteg

The application was reported to the Planning and Orders having been called in at the request of a Local Member.

At its meeting held on 1 September, 2021 the Committee resolved to undertake a site visit. A virtual site visit was subsequently held on 15 September, 2021. At its 6 October, 2021 meeting the Committee resolved to approve the application contrary to the Officer's recommendation on the grounds that the scheme adjoins an existing static caravan site and will not be visually harmful due to its siting between a caravan site and an agricultural shed.

Councillor Margaret Roberts, speaking as a Local Member referred to her comments at the previous meeting about the proposal's proximity to a large caravan site, but unlike the caravan site the two shepherd huts will not be visible from any viewpoints. She did not believe that granting permission in this case would set a precedent in leading to a proliferation of such applications or allowing everyone to put a shepherd hut in their yard as was suggested at the last meeting. Given the number of caravans in the area, the addition of two shepherd huts is not likely to make a difference especially as they are on a much smaller scale than the caravans next door. She asked the Committee to keep to the decision made last month to approve the application.

The Planning Enforcement Manager confirmed that the Officer's recommendation remains one of refusal because it is considered that the proposal does not align with the definitions of a high quality development being a standalone development within a residential curtilage and as such it does not accord with the provisions of the adopted development plan or other material considerations as outlined within the report. The relatively rural location of the site will also mean that private transport will be a primary form of movement once guests have arrived at the site.

Councillor Ieuan Williams proposed that that Committee reaffirm its approval of the application for the reason stated at the last meeting that it is deemed to comply with Policy TWR3. Additionally, Strategic Policy PS14 which sets out how the Council will support the year round development of a local tourism industry states at paragraph 3 that that will include by "*managing and enhancing the provision of high quality in-services tourism accommodation in the form of self-catering cottages and apartments, camping, alternative luxury camping [which would cover shepherd huts] static or touring caravan or chalet parks*". He thought that the proposal does therefore comply with policy and, in being situated in an area in which there are a number of caravan parks, the development is not out of place or incongruous. Councillor Vaughan Hughes seconded the proposal to reaffirm approval.

It was resolved to reaffirm the Committee's previous decision to approve the application contrary to the Officer's recommendation for the reasons given and to authorise the Officers to apply conditions on the consent as appropriate.

7.2 FPL/2021/106 – Full application for the retention of a wooden hut to accommodate a milk vending machine (Use Class A1) together with hardstanding and parking area, alterations to the existing vehicular access and associated landscaping on land at Neuadd, Cemaes

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 6 October, 2021, the Committee resolved to visit the site. A virtual site visit took place on 20 October, 2021.

Public Speaker

Mr Gareth Jones addressed the Committee as the applicant and referred to some points of concern that had arisen with regard to the development. Firstly that the hut has been re-positioned since the original application was made. When the excavation work began, a pipe 2 feet in diameter was discovered which carried water from the marsh on the opposite side of the road in the direction of the sea. It was therefore decided to rotate the hut by 90 degrees and to move it slightly towards the top end of the field putting it clear of the pipe. Secondly, a point has been made about the hut not being located on the applicant's farm; the site at Neuadd is much more central being near to the A5025, a walking route, bus stop and part of a circular cycle path. A questionnaire that was shared with the local community back in December showed that many were concerned about driving along the narrow road to Nant y Fran and in any case additional traffic on that road would generate a lot more pollution as well as creating passing problems, the road being so narrow. At the end of the day the applicant holds land from the family at Neuadd in the same way as Nant y Fran is a piece of rented land along with the farm Carrog Ganol where the applicant and his family live. Setting up the venture as a shop in Cemaes would not have been appropriate due to the on street parking problems that come with loading and unloading several times a day. Additionally, customers have consistently said that buying milk straight from the farm is part of the experience and that buying from a shop would not provide the same interest or pleasure that is to be had from supporting the farm. The final point of concern has to do with the AONB. The hut is situated a stone's throw within the AONB next to the A5025; it is hardly visible from anywhere and is sheltered by trees at the side of the main road. The only lighting in the hut consists of two strip lights within.

Since starting the venture the support from the local community has been immense; no objections have been raised and 3,300 people have signed a petition in favour of it with many others having sent letters of support to the Council. The venture will enable the business to face the economic challenges that farmers are facing at present. The farm supports two families and employs 7 local Welsh people to which it is hoped a new member of staff can be added to help with the fresh milk business. The money spent on the venture has also supported a number of local tradespeople.

In questioning Mr Gareth Jones, the Committee sought to clarify why the hut was erected and the venture started without planning permission and whether there was any intention or opportunity to expand the hut. A question was also asked about pasteurisation and food hygiene ratings. Mr Gareth Jones clarified that having submitted an application at the beginning of the summer, he did not want to miss out on potentially the best months for sales especially as the year had been so difficult and he had been keen to take advantage of the summer and the influx of visitors to the area in order to give the business the best chance of succeeding. With regard to expansion Mr Jones said that he was satisfied with the hut as it is and would not be adding to it. Mr Jones also confirmed that the milk is

pasteurised with a small dairy and equipment having been set up at the farm. The hut has been inspected by Environmental Health a number of times and has been given a 5 star rating meaning that the hygiene standards are very good.

The Chief Planning Officer reported that the application is made retrospectively, the hut having already been erected. The Officer's recommendation is that the application be refused the reasoning being that it is essentially an application to create a shop in the middle of the countryside; it is not located on the farm and as such is not considered a subservient element of an existing business, neither is it considered to be a traditional diversification the expectation being that such a scheme would be run from the farm itself. It is also understood that there is an intention to sell other produce/goods from the hut and Officers are therefore concerned about how this retail unit would be controlled. The application site is a short distance away from Cemaes and in accordance with policies that seek to maintain the vitality and viability of town centres, Officers consider that the proposal would be more appropriately located within the village. The impact of the development on the AONB is also a factor in the recommendation to refuse the application.

Councillor Aled Morris Jones, a Local Member spoke in support of the application which is for the retention of a small hut which is neatly and appropriately situated in its location. The venture by a local family wishing to diversify provides a service for which the need is well evidenced there being a great amount of support for it locally, and it involves the local supply of milk of the highest standard. The business will help support the family and will create an additional job. He asked the Committee to approve the application.

Councillor Richard Owain Jones said that considering its location and scale, he personally did not think the proposal would cause any significant harm to the area. With regard to policy he believed that the development is justified under paragraph 4 of Policy PS13 of the JLDP which states that the Councils will facilitate economic growth by "*supporting economic prosperity and sustainability of rural communities by facilitating appropriately scaled growth of rural enterprises, extension of existing businesses and diversification... and by encouraging the provision of sites and premises in appropriate accessible locations,*" and on this basis he proposed that the application be approved contrary to the Officer's recommendation.

Councillor Kenneth Hughes referred to the reference within the Officer's report to the LANDMAP guidance which details the landscape characteristics of the area including those features that detract from the integrity of the landscape in the form of the bungalows and holiday accommodation of Bull Bay, an adjacent golf course as well as glimpses of Wylfa power station. The report states that despite its proximity to the A5025 the site displays the qualities typical of the LANDMAP description and local character of the AONB. Councillor Hughes highlighted that LANDMAP is not a statutory document and given the detractions listed to which he felt the existence of wind turbines should be added he thought that a small wooden hut would not make any difference, and that its scale and design are appropriate for the location and consequently not harmful to the appearance and character of the area. He said that the volume of letters and signatories to the petition provide strong evidence of the need for the development in what is a safe, easy to use location that has no impact on the amenities of others. In seconding the proposal of approval Councillor Kenneth Hughes said that the application provides the Committee with an opportunity to support a local business.

The Chair referred to the fact that such proposals when they form part of an existing farm business are often subject to a legal agreement; given that the proposed hut is leasehold she queried whether it would be possible to attach a legal agreement to the hut to the effect that any planning permission runs for the length of the lease only.

The Legal Services Manager advised under a Section 106 agreement all parties with a legal interest in the land including the freeholder would need to sign the agreement. However, in this instance personal permission might better meet the question raised should the Committee deem it appropriate. In further clarification the Legal Services Manager said that in such circumstances the permission would run with the applicant rather than the land as is usually the case, and might be appropriate should the Committee determine to approve the application contrary to the Officer's recommendation.

The Chair suggested that limiting the permission in this way would provide the Committee with the assurance and/or safeguard that the development exists for the benefit of the applicant only and that anyone new wishing to continue with the proposed usage of the hut would need to re-apply for permission. As the proposer of approval, Councillor Richard Owain Jones confirmed that he was happy to accommodate the amendment.

In indicating their support for the proposal as a venture, some members of the Committee did express disappointment about its being another instance of a retrospective application with the hut having been erected without prior permission.

It was resolved to approve the application contrary to the Officer's recommendation for the following reasons –

- **As a rural enterprise that contributes to the economic prosperity and viability of the community;**
- **As it is not considered the development will result in any overly harmful effects on the AONB**
- **On condition that any permission granted limits the use of the hut to the applicant only.**

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

7.3 FPL/2021/108 – Full application for the conversion of the outbuilding into an affordable dwelling together with alterations and extensions at Fedw Uchaf, Brynrefail, Dulas

The application was reported to the Planning and Orders Committee at the request of a Local Member. At its meeting held on 6 October, 2021 the Committee resolved to approve the application contrary to the Officer's recommendation on account that it was deemed to comply with Policy TAI7; that no alternative employment use had been shown and because the alterations were not considered to be extensive.

The Chief Planning Officer reported that additional information provided by the applicant's agent that morning had been circulated to Members and that it continues the discussion regarding how the building was marketed for commercial use and the extent of the alterations and extensions proposed which were also the subject of considerable discussion at the Committee's last meeting. Suffice it to say that there is a difference of opinion between Officers and Members on these points. The report addresses the reasons given by the Committee for approving the application and, should approval be reaffirmed a mechanism is required to ensure that the dwelling remains an affordable dwelling in perpetuity. This matter has been discussed with the applicant's agent this morning and the applicant accepts that a legal agreement for the same is needed. It is therefore recommended that if the Committee is minded to confirm approval of the application, it be conditional upon completing a section

106 agreement to ensure the dwelling remains an affordable property in perpetuity. The Officer's recommendation remains one of refusal.

Councillor John Griffith commented that he had been prepared to refuse the application at last month's meeting because of the scale of the extensions which were reported as amounting to a 74% increase in the building's floor space. Having received the update from the applicant's agent stating that the increase in floor space is much less, he wanted to know whether the Officers were still of the opinion that the alterations and extensions are excessive.

The Chief Planning Officer clarified that there is more than one way of measuring floor space depending for example on whether existing structures to be pulled down are taken into account. However, although the policy does not define what is acceptable as regards size, in terms of principle, it is the Officer's view that the proposed extensions and alterations are excessive. It is an issue which is subject to interpretation with the applicant's agent having a different viewpoint.

Councillor Trefor Lloyd Hughes, MBE spoke to say that he was disappointed that additional information had been made available a matter of hours before the meeting was due to begin.

Councillor Margaret Roberts, a Local Member reiterated the comments she had made to Committee when supporting the application the previous month about the applicant wanting to move closer to relatives to provide support and care for his mother with the proposal being the only way of doing so since open market properties in the area are unaffordable. She said that it is Members' duty to help local people and that bureaucracy should not get in the way of providing help where it is needed. The applicant's agent has provided the answers with regard to the scale and size of the proposal and has challenged the Officer's measurements. She felt that the correct decision had been reached the previous month and she asked the Committee to adhere to it.

Councillor Kenneth Hughes proposed that the Committee reaffirm its decision to approve the application contrary to the Officer's recommendation subject to a Section 106 agreement to ensure the dwelling remains an affordable property in perpetuity.

It was resolved to reaffirm the Committee's previous decision to approve the application contrary to the Officer's recommendation for the reasons given and to authorise the Officers to apply planning conditions to the consent as appropriate and to complete a section 106 agreement to ensure the dwelling remains an affordable property in perpetuity.

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 VAR/2021/70 – Application under Section 73A for the variation of condition (08) (Approved Plans) of planning permission reference 20C85F/DA (Erection of a dwelling) so as to allow amendments to the design at Plot adjacent to Bron Wylfa, Cemaes

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

The Planning Enforcement Manager reported that although the application is contrary to Policy PS17 of the Joint Local Development Plan and the provisions of Technical Advice Note 6 (Planning for Sustainable Rural Communities) a fall-back position exists as the site benefits from an extant permission which has been implemented. The proposed amended design as outlined in the report is considered acceptable and an overall improvement on the scheme previously improved. It is not considered that the development will have an unacceptable impact upon the character and appearance of the area nor on the amenities of neighbouring properties. The recommendation is therefore one of approval.

Councillor Robin Williams proposed, seconded by Councillor John Griffith that the application be approved in accordance with the Officer's recommendation.

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

11. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 HHP/2021/315 – Full application for alterations and extensions together with the demolition of the existing garage at 37 Penlon, Menai Bridge

The application was reported to the Planning and Orders Committee as the applicant is a "relevant person" as defined within paragraph 4.6.10.2 of the Council's Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

Having declared a personal and prejudicial interest in the application, Councillor Robin Williams withdrew from the discussion and voting thereon.

The Planning Enforcement Manager reported that it is the Officer's view that the proposed development aligns with the aims and objectives of the JLDP's policies; the scale of the proposed extension is modest and there is sufficient land to accommodate the proposed scheme without resulting in the over-development of the site. The proposed design and materials are also acceptable and are of high quality. It is not considered that the proposed extension would unacceptably impact any neighbouring properties. There have been no objections to the proposal and the Town Council is supportive of it; the recommendation is therefore to approve the application.

Councillor Trefor Lloyd Hughes, MBE proposed, seconded by Councillor Eric Jones, that the application be approved in accordance with the Officer's recommendation.

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

11.2 FPL/2021/227 – Full application for a covered manure store and roof over existing yard at Plas Newydd, Llanddeusant

The application was reported to the Planning and Orders Committee as the applicant is related to a "relevant officer" as defined within paragraph 4.6.10.2 of the Council's

Constitution. The application has been scrutinised by the Monitoring Officer as required under paragraph 4.6.10.4 of the Constitution.

The Planning Built and Natural Environment Manager reported that the proposal as described will improve the existing manure management system at the farm and allow the applicant to conform with the requirements of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. The proposal is located on the eastern fringes of the village with a distance of 150m between the nearest property and the closest point of the extension to the existing building. It is not considered that the development will have a detrimental impact on the character and appearance of the area nor on the amenities of nearby residential occupiers; nor is it considered that the proposal will give rise to an unacceptable visual effect on the local landscape as the proposal involves the erection of a bund and landscaping to the rear of the shed. There are no objections locally to the proposed development; neither has Natural Resources Wales raised any objections provided the proposal does not entail an increase in stock levels. The Officer clarified that whilst the intention originally had been to increase stock numbers over the course of time, the applicant has now confirmed that there had been no firm intention to do so. This being so the proposal is acceptable as regards design and compliance with the criteria contained within the relevant policies. The recommendation is to approve the application.

Councillor Kenneth Hughes proposed, seconded by Councillor Eric Jones that the application be approved in accordance with the Officer's recommendation.

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

12. REMAINDER OF APPLICATIONS

12.1 MAO/2021/26 – Minor amendments to the scheme previously approved under planning permission 20C310/EIA/RE (Full application for the construction of a 49.99MW solar array farm together with associated equipment, infrastructure and ancillary works) at Rhyd y Groes, Rhosgoch so as to amend the wording of conditions (05), (06) and (11) to allow the development to take place in two phases (phase 1 – enabling works and phase 2 – installation of panels) at Porth Wen Solar Farm, Cemaes

The application was reported to the Planning and Orders Committee as it seeks to amend conditions attached to application reference 20C310B/EIA/RE which was accompanied by an Environmental Impact Assessment (EIA). The application was approved by the Committee at its meeting on 6 December, 2017 in accordance with the Officer's recommendation and report subject to the conditions therein with delegated power to the Head of Planning Services to add, amend and delete conditions as necessary.

Having declared a personal and prejudicial interest in the application, Councillors John Griffith and Richard Owain Jones withdrew from the meeting during the discussion and voting thereon.

The Development Management Manager reported that the application is for minor amendments to the scheme approved under application 20C310B/EIA/RE so that the works can commence in a phased manner, with works including enabling works to take place under phase 1 and the deployment of solar panels and associated works and equipment to take place under phase 2. In order for the development to be a two phased development, amendments are required to conditions (05), (06), and (11). The application requests the following –

- The addition of a Phasing Plan to the list of approved plans under condition (05);

- that condition (06) is amended to allow for the approval of details in two phases – details required prior to implementing phase 1 of the development followed by the details required prior to implementing phase 2 of the development;
- That condition (11) is amended to allow the submission for approval of a Construction Environmental Management Plan (CEMP) (with a full Construction Traffic Management Plan (CTMP) for Phase 1 followed by a CEMP (and CTMP) for Phase 2.

The application does not change the nature of the development nor does it cause an impact different to that caused by the original approved development scheme. Whilst the proposal if approved would allow the developer to undertake the preparatory works without having to submit full details of the whole development for approval by the Local Planning Authority, the conditions attached to the original consent will still have to be discharged. For information, the Planning Authority is in receipt of correspondence from the neighbouring landowner at Buarth y Foel regarding the need to consult on the amendments; as the application seeks permission for what are considered to be non-material changes to an approved scheme, the requirement to consult does not apply. The owner of Buarth y Foel has been consulted directly with regard to a recently received application for a new access and bunding in accordance with requirements. Having assessed the application under Section 96A of the Town and Country Planning Act 1990 (as amended) and Welsh Government planning guidance, Officers are satisfied that the amendments sought to allow the approved development to take place in a phased approach are non-material and the recommendation is therefore to approve the application.

Councillor Robin Williams proposed, seconded by Councillor Eric Jones that the application be approved in accordance with the Officer's recommendation.

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

13. OTHER MATTERS

13.1 FPL/2020/101 – Full application for the erection of a dwelling together with the construction of a vehicular access on land at Rallt Gwta, Newborough, Llanfairpwllgwyngyll

The application was reported to the Planning and Orders Committee as the application was approved at the Committee's April, 2021 meeting subject to conditions and subject also to the completion of a legal agreement requesting the removal and cessation of use in connection with an existing caravan and containers on the site.

The Chief Planning Office reported that the caravan and containers were to be removed from the land as part of the permission to ensure that the development would not have an adverse impact upon the residential amenities of properties adjacent to the site or on the amenities of the wider area and AONB. The caravan and containers have now been removed from the site thereby eliminating the need for an agreement and as such, releasing the decision subject to conditions.

Councillor Bryan Owen, a Local Member in confirming the Officer's report, asked the Committee to approve the application.

In response to a query about how can the Authority be assured that the caravan and containers will not be brought back on site, the Chief Planning Officer advised that the scheme plan indicates that the proposed dwelling is to be sited where the caravan was located and the access to the site crosses where the containers used to stand. Therefore once the consent is implemented and the dwelling is constructed it will not be possible to bring the caravan and containers back on site. However, were they to reappear on site

without permission in the meantime, then the situation would be dealt with and steps considered at that time.

Councillor Eric Jones proposed, seconded by Councillor Trefor Lloyd Hughes, MBE that the application be approved in accordance with the Officer's recommendation.

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

**Councillor Nicola Roberts
Chair**