

# PLANNING AND ORDERS COMMITTEE

## Minutes of the meeting held on 5 June 2013

- PRESENT:** Councillor William Thomas Hughes (Chair)  
Councillor Ann Griffith (Vice-Chair)
- Councillors Lewis Davies, Jeffrey M.Evans, John Griffith, K P Hughes, Vaughan Hughes, Victor Hughes, Raymond Jones, Richard Owain Jones and Nicola Roberts
- IN ATTENDANCE:** Development Control Manager (DFJ)  
Chief Planning Officer (GJ)  
Planning Assistants  
Senior Engineer (Development Control) (EJ)  
Legal Services Manager  
Committee Officer (ATH)
- APOLOGIES:** None
- ALSO PRESENT:** Local Councillors: None
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The Chief Planning Officer offered words of congratulations and welcome to both those newly elected members who were joining the Planning and Orders Committee for the first time and also those Members who had been re-elected and were renewing their membership of the Committee at what was an exciting time for the Committee and the Authority alike.

Councillor Jeff Evans wished to make it known that as a new member on the Planning Committee he was disappointed that due to circumstances in relation to his car he had not attended the Planning Training session held on Monday in preparation for this meeting. However, he was not informed and had only recently discovered that as a result of not attending the training session he was now unable to participate and vote on any application before the Committee at this meeting. Councillor Evans said he found it astonishing and wrong that as a new member he had not been alerted to this requirement given that if had known, he would have endeavoured to be present as this was a matter of importance to him. Consequently, he would not be taking part for the duration of this meeting and might only be able to contribute on issues of a local nature but not participate in any voting. Whilst he accepted that those were the rules he emphasised that he should have been made aware of them as a new member particularly with reference to what is essential in terms of attendance in order to be able to exercise voting rights.

The Legal Services Manager confirmed that the planning procedure rules stipulate as such and that that provision has formed part of the Planning Procedure rules for some time. He apologised if the Member felt at a disadvantage at this meeting as a result but he was confident that Planning Officers would arrange training for Councillor Evans prior to the next meeting.

### 1 APOLOGIES

There were no apologies for absence.

### 2 DECLARATION OF INTEREST

Declarations of interest were made as follows:

- Councillor John Griffith in respect of application 7.1

- Councillor Victor Hughes in respect of applications 7.3 and 11.1
- Councillor Kenneth Hughes in respect of application 13.1

Councillor Ann Griffith declared a personal interest on the basis that the Plaid Cymru manifesto contained points with reference to wind turbines. She stated that she would consider each application on its planning merits.

### 3 MINUTES OF THE 24 APRIL, 2013 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 24<sup>th</sup> April, 2013 were presented and confirmed as correct.

### 4 SITE VISITS

No site visits were undertaken following the 24<sup>th</sup> April, 2013 meeting of the Planning and Orders Committee.

### 5 PUBLIC SPEAKING

The Chair announced that there were Public Speakers present in respect of applications 7.1, 7.3, 11.1, 12.11 and 12.14. (*Consideration of application 7.1 was deferred for a site visit to take place*).

### 6 APPLICATIONS THAT WILL BE DEFERRED

#### **6.1 34LPA121Q/CC – Installation of a biomass wood pellet boiler unit in connection with the new school to be erected on land at Ysgol Gyfun Llangefni, Llangefni**

The Planning Development Manager said that it was considered that it would be of benefit to the Members to view the site and its context prior to making any determination.

**It was resolved that a site visit be undertaken in accordance with the Officer's recommendation for the reason given in the written report.**

#### **6.2 41C8C – Full application for the change of use of land for the siting of 33 touring caravans, erection of a toilet block, construction of a vehicular access together with landscaping at Garnedd Ddu, Star**

The Planning Development Manager informed the Committee that the previous Local Member called in the application for determination by the Planning and Orders Committee. It is the Officer's view that Members would benefit from viewing the site and its context prior to making any determination.

**It was resolved that a site visit be undertaken in accordance with the Officer's recommendation for the reason given in the written report.**

**6.3 An outline planning application, with all matters reserved except for means of access proposing: A leisure village at Penrhos Coastal Park, London Road, Holyhead comprising up to 500 new leisure units including new lodges, cottages and conversion of the existing Estate buildings; central new hub building comprising reception, leisure facilities including indoor water park, ten pin bowling and indoor sports hall and cafes, bars, restaurants and retail; refurbishment and extension of estate buildings to provide central farmer's Market, indoor children's play area, cycle and sports hire centre, Spa with gymnasium and changing facilities, the Boathouse ruins for new café and watersports centre, and the Bathing house to become a new beachside restaurant; providing and maintaining 29 hectares of publicly accessible areas with public car parking and enhancements to the Coastal Path, including managed walkways within 15 hectares of woodland, the retention and enhancement of Grace's pond, Lily pond, Scout's pond with viewing platforms, the Pet Cemetery, War Memorial, the Pump House and picnic area with bird feeding stations and hides with educational and bilingual interpretation boards created throughout; creation of a new woodland sculpture trail and boardwalks and enhanced connection to the Coastal Path; retention of public access to the beach and shallow coastal waters and a Combined Heat and**

**Power centre. The erection of leisure village accommodation and facilities which could be used initially as a temporary construction workers accommodation complex for Wylfa B at land at Cae Glas, Parc Cybi, Holyhead comprising: up to 315 lodges to be initially sub-divided to accommodate up to 2,000 construction workers; central hub building providing reception and canteen ancillary to accommodation; a Park and Ride facility comprising up to 700 car parking spaces; a new hotel; a lakeside hub comprising restaurant, café, retails and bar; new grass football pitch and cricket pitch; and a Combined Heat and Power Centre. To be subsequently converted (post Wylfa B construction) into a high quality extension to the Penrhos Coastal Park Leisure Village comprising refurbished lodges and facility buildings to create a high quality holiday accommodation (up to 315 family lodges); a Visitor Centre and Nature Reserve allowing controlled public access; and Heritage Centre with visitor parking. A residential development comprising up to 360 residential dwellings set in landscaping and open spaces at land at Kingsland, Kingsland Road, Holyhead. Each phase of development will have ancillary development comprising car parking, servicing areas, open spaces and plant at Penrhos Coastal Park, Cae Glas and Kingsland, Holyhead.**

The Planning Development informed the Committee's Members that a site visit is required prior to the determination of a major planning application such as the above.

**It was resolved that a site visit be undertaken in accordance with the Officer's recommendation for the reason given in the written report.**

## **7 APPLICATIONS ARISING**

### **7.1 19C313A – Outline application for the erection of 22 dwellings together with the construction of a new access on land between Pentrefelin and Waenfawr Estate, Holyhead**

*Councillor John Griffith having declared an interest in this application withdrew from the meeting during the discussion and voting thereon.*

The Planning Development Manager informed the Committee that the application above dates back to the former Planning and Orders Committee in situ prior to the May local government election. Consideration of the application was deferred at the Committee's previous meeting on 24<sup>th</sup> April as it was considered that determination of the application prior to the election could be potentially contentious locally. The Officer explained that the difficulty arising at this meeting is that there is not a quorum of members from the former pre May Planning and Orders Committee serving on the current Committee to allow a decision to be made. The Officer's recommendation previously had been that the former Committee undertake a site visit and that therefore is the recommendation to the Committee at this meeting – that Members visit the site prior to determining the application.

Councillor Kenneth Hughes proposed that the Committee visit the site in line with the Officer's recommendation and Councillor Lewis Davies seconded the proposal.

**It was resolved that consideration of the application be deferred to allow a site visit to be undertaken anew.**

### **7.2 20C289 – Full application for the installation of a "Time and Tide Bell" with supporting frame at Foreshore, adjacent to the Harbour, Cemaes**

The application was reported to the Committee for determination as it is on land leased by the Council from the Crown Estates. The application has previously been deferred as letters of objection were received by the Department and as the Environmental Health Section also objected to the application. The points raised in the objections have been discussed and since resolved.

The Planning Development Manager said that the bell is a public artefact and he explained its purpose and the manner in which it would work. He explained that consideration of the application was deferred at the previous meeting of the Planning and Orders Committee because there was local opposition to the proposal on the grounds of potential noise nuisance and because the Environmental Health Section's Officers also had similar concerns at the time. Further investigations have since been carried out by Environmental Health Officers particularly with regard to the noise

levels which the bell can potentially generate and, as a means of overcoming the problem they are prepared to give temporary planning consent only. This in practice means that planning permission would be given for a period of one year during which any noise nuisance issues arising can be dealt with by the Environmental Health Officers under relevant Environmental Health legislation and, if it is found that the bell has resulted in noise nuisance the planning consent would not be renewed. This therefore is the Officer's recommendation.

Councillor Kenneth Hughes proposed that the Officer's recommendation of temporary planning consent be approved and he was seconded by Councillor Vaughan Hughes who thought it a most reasonable way of proceeding.

**It was resolved to approve the application in accordance with the Officer's recommendation. The planning consent given to be effective for one year in the first instance. (Councillor W.T.Hughes as a Local Member did not vote on the matter)**

### **7.3 42C61G – Removal of existing residential caravan and erection of a 2 storey dwelling within the residential curtilage at the Caravan, Ty'r Ardd, Pentraeth**

*Councillor Victor Hughes having declared an interest in this application, withdrew from the meeting during the discussion and voting thereon.*

The application was been presented to the Committee originally at the request of a former Councillor. Consideration of the application was deferred at the previous meeting of the Planning and Orders Committee following the receipt of legal advice regarding its status. It is now considered that the application constitutes a departure, contrary to Development Plan policies. This being the case, the application has been publicised as such.

The Chair invited Mr Rhys Davies to address the Committee in support of the application.

Mr Rhys Davies explained that the application before the Committee is for the removal of an existing residential caravan on the site and its replacement with a new residential dwelling. The Officers are recommending refusal of the application and he believed that the difference of opinion between them and the applicant is based on the policy in relation to replacement dwellings in terms of being able to change units such as caravans which is a residential unit into a permanent dwelling. There are two relevant policies namely Policy 54 in the Local Plan which states that "The Council will favourably consider proposals for the replacement of an existing permanent dwelling only where it can be shown that the new dwelling can significantly improve the area's appearance." Mr Davies said that what the policy refers to here is the change of one dwelling for another dwelling and he went on to refer to Policy HP9 of the Unitary Plan which provides that "replacement dwellings located in a cluster, hamlet or in open countryside will be permitted where the new dwelling incorporates the original footprint of the existing dwelling and is suitable to the location and exhibits a high quality design." The intention of this application is to change the caravan which is a residential unit and which is supported by a certificate of lawful use which confirms that the unit is a permanent dwelling; the curtilage of the caravan is also incorporated within the certificate of lawful use. Therefore there is a legal right for a residential dwelling on the site. Mr Davies proceeded to say that the applicant wishes to replace the caravan which has been in situ for 10 years or more with a traditional residential dwelling with slate roof and render which will suit the character of the area as an area of outstanding natural beauty. The description of the application in the report refers to a 2 storey dwelling – this is an outline application and if the Committee's Members are in any doubt whatsoever whether a 2 storey dwelling is appropriate for this site then he would encourage them to visit the site to see where the caravan is presently situated and where the proposed new dwelling is to be sited and how the two sit together. As mentioned, the existing caravan has been on the site for over 10 years – there is in line with the policy requirement a certificate of lawful use which proves that this a permanent dwelling so it is a case of changing one for the other for a more purposeful dwelling. It must also be borne in mind that national policy now encourages more sustainable developments and that the Planning Policy in Wales says that the planning system provides a presumption in favour of sustainable developments. This a change of a caravan that has been a home for the applicant for over 10 years for a more appropriate dwelling that is more energy efficient – effective under the Code of Sustainable homes, Level 3. Mr Davies concluded by saying that he hoped that changing one caravan that is a permanent dwelling to a new home that is more

appropriate and more suitable to the site in respect of design is something that Members will be able to approve today. Should there be any doubts then it would be worth the Members visiting the site before determining the application.

Councillor John Griffith inquired of Mr Davies whether permission had been given for a caravan on the site.

Mr Davies replied that the caravan has been in its present location for more than 10 years and has been used as a residential home for that time and more. What has been confirmed on this site is that the caravan has been used lawfully as a home for more than 10 years

Councillor Griffith clarified his inquiry by asking whether permission had been given by the Council to put a caravan on this site in the first place.

Mr Davies said that the caravan was within someone else's garden historically but given that it was used purposely as a home for 10 years or more a certificate of lawful use has been issued on the caravan a little over a year ago.

Councillor R.O. Jones wished to know whether there were any other properties in the vicinity.

Mr Rhys Davies explained that there is a cluster of about 4 dwellings to the north of the site and then to the south and south east there is a further cluster of about 5 to 6 dwellings. Altogether there is a cluster of around 10 dwellings around the area.

The Planning Development Manager said that as the report explains the application is a departure and is contrary to Development Plan policies. There is planning history of refusing several applications for permanent dwellings on this specific site. With regard to some of the points made in the presentation, the Officer explained that notwithstanding that planning permission is not required for a caravan within a garden, permission is required to live in a caravan in a garden and he could confirm that that planning permission had never been given in this case. Whilst the Officers accept that a certificate of lawful use has been granted for a residential caravan on the site they do not accept that this establishes the principle for a house on the site. The policies that deal with replacement dwellings have not been designed to deal with this kind of development – they are meant to apply to the rebuilding of old houses which are no longer suitable for that use. The site in question clearly lies outside of any development area marked out in development plans and whilst there are other houses in the locality the area is not recognised as a hamlet or village; it is designated as countryside in the Development Plan and moreover it also lies within an Area of Outstanding Natural Beauty. The report sets out three principal reasons for rejecting the development in relation to policies, adverse effects on the character and amenities of the area as an AONB and the fact that the principle of residential development within the countryside does not accord with the provisions of local and national planning policies. The position with regard to the caravan is accepted – it has been legalised but the fact remains that it is a caravan and not a permanent dwelling. The issue is one of principle not design and in terms of principle the policy guidance is clear in this respect. The recommendation is therefore one of refusal.

Councillor Lewis Davies inquired when the certificate of lawful use was issued and the basis on which it was granted. The Officer said that the certificate was issued on 9 February, 2012 on the basis that the applicant had been able to prove that residential use of the caravan had been made over a period of time. Councillor Davies inferred therefore that there had been no objections to someone living in the caravan over the course of the 10 years.

Councillor Ken Hughes said that he did not accept the argument that the caravan can be used as a house given that at the end of the day a caravan is a caravan despite the fact that it has been lived in. Furthermore, the application runs contrary to policy and he therefore proposed that it be refused. Councillor Lewis Davies seconded the proposal of refusal.

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

## 8 ECONOMIC APPLICATIONS

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

## 9 AFFORDABLE HOUSING APPLICATIONS

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

## 10 DEPARTURE APPLICATIONS

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

## 11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

### 11.1 33C258B/RUR – Outline application for the erection of an agricultural dwelling, alterations to the vehicular access together with the installation of a septic tank on land at Cefn Poeth, Penmynydd

*Councillor Victor Hughes having declared an interest in this application, withdrew from the meeting and did not take part in the discussion and voting thereon.*

The application was reported to the Planning and Orders Committee as the applicant is related to a relevant staff member as set out in the Council's Constitution. The Monitoring Officer had reviewed the file and had raised no concerns.

Mr Rhys Davies speaking in support of the application was invited by the Chair to address the Committee.

Mr Davies said that the application was one for an agricultural dwelling to the north of Penmynydd. The site lies close to the curtilage of the farm and is the closest possible site which the applicant could find that is suitable and near to the agricultural buildings which is what planning policies encourage an applicant to do. The reports accompanying the application show that there is a need for an additional farm dwelling and the proposed development is meant as a dwelling for the son of the farmhouse who wishes to carry on farming with his family on this farm. The application does meet all the criteria which is required under national policy in order to obtain permission for an agricultural dwelling. Mr Davies concluded by saying that he would be happy to answer any questions that may arise with regard to the application.

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

The Planning Development Manager said that both national and local policies permit the erection of dwellings in the countryside if they are required for purposes such as agriculture. Certain criteria have to be met and the Officers are satisfied that those have been fulfilled in this case. Officers are therefore prepared to grant planning consent to the development on condition that it is for agricultural purposes and that a Section 106 agreement is attached to the consent to ensure that the farm is not broken up.

Councillor John Griffith proposed that the application be approved and his proposal was seconded by Councillor R.O. Jones.

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

## 12 REMAINDER OF APPLICATIONS

### 12.1 11LPA921A/AD/CC – Application for the siting of an interpretation panel at the Car Park, Parys Mountain

The application is reported to the Planning and Orders Committee as it is made by the Local Authority.

The Planning Development Manager explained that the application above is the first of several under section 12 of the agenda for this meeting for interpretation panels. These have been brought to the Committee as the Council is the applicant. The purpose of such panels is to display details of local attractions within their locality and also to provide information about the geology of the area in which they are proposed to be placed. Anglesey's geology is recognised as being significant world-wide and the island is known as Geo Môn Park. These developments therefore contribute towards promoting this aspect, the intention being to create experiences that are both educational and interesting to walkers. Each panel will carry information about the local area along with details of the area's geology. With such developments the two principal planning factors which need to be considered are the effects on amenities and highway safety. Officers have assessed these factors for each of the applications and are satisfied that no problems will arise as a result. The recommendation is therefore one of approval.

Councillor Ken Hughes proposed that the application be approved and his proposal was seconded by Councillor Vaughan Hughes.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

### **12.2 12C266K – Retrospective planning application for alterations to the roof design and general amendments to Units 2 to 5 A.B.C. Power Marine, Gallows Point, Porth Lafan, Beaumaris**

The application is reported to the Planning and Orders Committee because the Isle of Anglesey Council is the land owner.

The Planning Development Manager explained the context to the application with reference to planning consent 12C266C which was granted to re-develop the site in its entirety involving the demolition of the existing boat sheds and the erection of new boat sheds, and extensions to the petrol filling shop. What has occurred in this case is that the roofs of Units 2 to 5 forming part of the development have been constructed to a different design, height and materials to that approved under planning consent 12C266C. They are of lower height and different colour to that originally approved but are deemed acceptable by the Officers in terms of according with the relevant planning policies and an improvement on that approved in the first place. The recommendation therefore is one of approval.

Councillor Ken Hughes proposed that the application be approved and he was seconded by Councillor Vaughan Hughes.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to a deed of variation of the legal agreement completed in connection with planning application 12C266C and the condition set out in the written report.**

### **12.3 19C484K – Application for the deletion of conditions (15), (16), (17), (18), (19), (20), (21), (22) and (23) on planning permission 19C484A to allow for a gateway and pavement crossing for occasional use and emergency vehicles at Trinity Marine, Boatyard and Foreshore, Porth y Felin, Holyhead**

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

The Planning Development Manager explained that the application is for the deletion of conditions on the original outline planning consent to allow the creation of a gateway and pavement crossing for occasional use. The marina has been in operation for some 10 years and the access as originally proposed is considered not to be required for the day to day operation of the site. The Officer said that no objections to the proposal have been raised locally and no highways issues have arisen so the Officer recommendation is one of approval.

Councillor Lewis Davies proposed approval of the application and his proposal was seconded by Councillor John Griffith.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

#### **12.4 20LPA971/CC – Full application for environmental improvements on land at Bonc y Môr, Cemaes Bay**

The application is presented to the Planning and Orders Committee because the Isle of Anglesey is the applicant.

The Planning Development Manager stated that the intention with the application above is to site nine stone plinths and one picnic table and bench along part of the Anglesey coastal path. The stone plinths will be constituted from different types of stone from different ages to reflect the geological history of the Island. Officers deem the proposal to be both a positive and educational development and recommend its approval.

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

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

#### **12.5 20LPA971A/AD/CC – Full application for the siting of an information panel at Cemaes Greenery, Cemaes Bay**

The application is brought before the Planning and Orders Committee as it made by the Local Authority.

Councillor Kenneth Hughes proposed that the application be approved; Councillor Lewis Davies seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

#### **12.6 20LPA971B/AD/CC – Application for the siting of an interpretation panel on land at Bonc y Mor, Cemaes Bay**

The application is brought to the Planning and Orders Committee as it is made by the Local Authority.

Councillor Vaughan Hughes proposed that the application be approved; Councillor Victor Hughes seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

#### **12.7 20LPA973/AD/CC – Application for the siting of an information panel at the National Trust Car Park, Llanbadrig**

The application is presented to the Planning and Orders Committee as it is made by the Local Authority.

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

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**



### **12.8 20LPA973/CC – Full application for environmental improvements at Towyn Llanbadrig, Llanbadrig**

The application is reported to the Planning and Orders Committee because the Isle of Anglesey Council is the applicant.

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

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

### **12.9 31LPA977/AD/CC – Application for the siting of an interpretation panel on land at Marquis' Column Car Park, Llanfairpwll**

The application is reported to the Planning and Orders Committee as it is made by the Local Authority.

Councillor Ken Hughes proposed approval of the application; Councillor R.O.Jones seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

### **12.10 35LPA976/AD/CC – Application for the siting of an information panel adjacent to the car park at Trwyn y Penryn, Penmon, LL58 8RN**

The application is reported to the Planning and Orders Committee as it is made by the Local Authority.

Councillor Lewis Davies drew attention to the fact that the correct address for the location of the application is Aberlleiniog – the correction was noted.

Councillor R.O.Jones proposed that the application be approved and his proposal was seconded by Councillor Victor Hughes

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report. (Councillor Lewis Davies as a Local Member did not take part in the voting on this application)**

### **12.11 39C81D – Creation of a car parking area on land near the Menai Bridge Cricket Club, Menai Bridge**

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

The Chair invited Mr John Simpson, an objector to the proposal to present his views on the matter.

Mr Simpson explained that he and his neighbours live on the narrow lane which is the only access to the Menai Bridge cemetery and which is much too narrow for the traffic it carries at present. For much of its length the lane is only 4 to 5m wide and has a choke point where it narrows to 3.8m. This is too narrow for cars to pass safely so they are forced to back down to the A5 or to mount the pavement which is itself on 0.9m wide. For large funerals, up to 30 to 40 cars can use the lane putting heavy traffic on the access, which situation would be greatly exacerbated by traffic to the proposed car park when a funeral and cricket match coincide. The problem of the road's narrowness is recognised by the Highways Department in the written report but is not seen as a reason for refusal as users of the car park will arrive and leave at the same times. Mr Simpson pointed out that there will be times when a funeral ends as people arrive for a cricket match creating chaos and has questioned whether a proper survey of the traffic situation has been carried out by the Highways Department which has taken a rather uncritical approach to the proposal. He would further question

whether there has been proper assessment of the risks of accident in peak traffic situations particularly with reference to pedestrians. As the lane is also now designated as part of the National Cycle route 8 there is an increase in the flow of cyclists joining pedestrians on the shared path at the top of the lane. This would also be the entry point to the car park with cars having to cross the cycle route thus creating a hazard which does not seem to have been taken into account.

Mr Simpson said that overall, the proposed access to the car park is highly unsatisfactory and potentially unsafe and he would question whether the club's parking needs cannot be effectively met by expansion of the existing car park at the top of the field with a more extensive use of the David Hughes School car park. Should a new car park be judged to be essential, then a more radical and beneficial alternative would be to open a second access from the Pentraeth road via an extension of a road at the Ty Mawr estate. This would allow a much safer, one way route to the cemetery and car park exiting the A5 down the lane. Mr Simpson concluded his address by saying that these options are submitted in the belief they should be fully explored and proper surveys and risk assessments completed before the Committee sanctions the building of a new car park.

There were no questions from the Committee's Members to Mr John Simpson.

Mr Dan Surgey was then asked by the Chair to address the Committee in favour of the proposal.

Mr Surgey speaking as Vice-Chair of the Menai Bridge Cricket Club explained that the club currently runs 3 senior teams in the North Wales cricket league as well as junior teams and under sevens, nines, elevens and thirteen and upwards. The first team is at present quite successful in the North Wales Cricket League meaning it receives quite a large following on Saturday afternoons. The current car park which is towards the top of the field will accommodate up to 25 cars so on a Saturday when there are 11 players from the home team plus 4 to 5 cars from the away team it can become congested. The Club was having problems with people coming to visit and supporters who were parking on Tyn y cae drive which leads to the cricket club. There have been discussions with the caretaker of Ysgol David Hughes who kindly allows use of the school as an overflow car park but that is a goodwill gesture. Therefore the club committee decided that it would rather depend on itself and that the best plan for the club was to try to develop the field towards the bottom of the area of the club. This land currently is not part of the lease and the Property section has been approached before the commencement of the process and it was said that if permission for the car park is forthcoming then the field would be added to the lease. Furthermore, meetings have been held with Menai Bridge Town Council and Property regarding the situation in relation to the cemetery in Menai Bridge. The field north of the cemetery has been outlined for future use for the expansion of the cemetery when it is required. The club's proposal to Menai Bridge Town Council was that it would have access to the club's car park if and when required e.g. large funerals which would alleviate some of the problems with parking when there is a funeral.

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

The Planning Development Manager stated that the written report highlight the principal issue as being the acceptability of the proposed new car park from a highway perspective. There has been consultation with the Highways Department and Highways Officers do not see grounds for refusing the application. At the time of writing the report, the Drainage Section had not given its response to the application; the section has since responded and has asked for further details regarding the means for dealing with surface water on site. The Officer went on to explain that the intention is to surface the car park with gravel and if the application is approved there will be a soak way on the site. In order to deal with this issue Officers propose the imposition of an additional condition requiring those details to be agreed and submitted prior to the commencement of the development. The Highways section has also requested a further condition restricting the use of the car park to the Cricket Club in the main. There are no planning objections to the proposal from the perspective of land use nor do planning officers see any problems in terms of effects on amenities – a condition is proposed with regard to landscaping. Therefore there are no planning reasons for refusing the application.

Councillor John Griffith enquired about the potential for traffic noise generated by a two way traffic flow from the direction of the cricket club late at night as a result of functions following cricket

matches as mentioned in some of the objections and he asked whether this had been investigated and/or considered.

The Planning Development Manager explained that the written report deals with this issue in addressing the points of objections raised including the issue of noise from post-match functions which objectors feel will be exacerbated by the creation of a car park through the addition of traffic noise. The Officer said that whilst this is not essentially a planning issue attaching a condition regarding the car park's hours of use to any planning consent given is possible and is a course which Planning Officers would consider.

Councillor John Griffith further enquired whether any survey of traffic congestion had been undertaken as a result of cars leaving this road and entering onto the A5. The building of a car park is likely to make any existing problems worse and given that the road is narrow there is greater potential for accidents. He sought confirmation whether there had been any examination of the hazard that might thus be created.

The Senior Engineer (Development Control) confirmed that the Highways Section had looked at the application in detail but had not conducted a survey in terms of the number of vehicles using the road. Highways Officers have looked at accident records which have shown that there is no history of accidents in the area. As with every narrow road there is a small risk but this has been assessed by the Highways Officers as has the nature of the road and the current volume of traffic and these considerations have been weighed against the benefit deriving from the use of the car park by funeral traffic as well, and the Officers are satisfied with the application. There is no evidence in accident records of any particular problems.

Councillor Lewis Davies proposed that the application be approved; Councillor R.Jones seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report and to the imposition of additional conditions in relation to the submission and agreement of details with regard to drainage prior to the commencement of the development; the restriction of the use of the car parking area to the Cricket Club in the main and a restriction as to the hours of use.**

#### **12.12 40LPA899B/AD/CC – Application for the siting of an interpretation panel at Traeth Lligwy, Moelfre**

The application is brought to the Planning and Orders Committee as it is made by the Local Authority.

Councillor R.O.Jones proposed that the application be approved and his proposal was seconded by Councillor Lewis Davies.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

#### **12.13 43LPA974/AD/CC – Application for the siting of an interpretation panel at the Coastguard Lookout, Rhoscolyn**

The application is reported to the Planning and Orders Committee as it is made by the Local Authority.

Councillor Vaughan Hughes proposed that the application be approved; Councillor Ken Hughes seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

**12.14 46C520 - Full application for alterations and extensions including raising the roof to create first floor accommodation and the erection of a balcony at Gadlys, Penrallt Road, Trearddur Bay, LL65 2UG**

The application has been referred to the Planning and Orders Committee at the request of the Local Member.

The Chair called on Mr Carl Bateman to address the Committee in support of the application.

Mr Bateman said that he and his partner had bought the property in question after searching in the area for 2 years. They found the Gadlys property but realised it would require a lot of renovation which they felt they could do and make the property a lot more attractive. They thought the first floor addition would not be out of keeping with the local estate particularly as the house next door is a 2 storey house. Mr Bateman explained that as he and his partner wish to spend a lot of time living in the house they do not want to upset local people who will be their neighbours and are therefore willing to take any advice on board to allay their fears as much as possible. With six children in the family, a larger than average property is required when the family is together. When the plans were drawn the additional rooms were shown as bedrooms whereas in reality they may actually be store rooms or play rooms – there was no intention to suggest anything more than this. The possibility of creating bedrooms in the roof space was looked at but was felt to be restrictive as regards space.

Mr Bateman went on to say that he had been advised of the local objections to the proposal and on some points he could see their merits. Consequently alterations have been made to the original plan to try to co-operate with neighbours to reach a mutual compromise. Having spoken with some of the neighbours as they have raised concerns about potential noise etc., he hoped this may have gone some way to assure them of the true intentions. Parking on site has been shown for 6 vehicles and this has been done to allay any local fears regarding street parking – it not thought for one minute that it will be used to full capacity. If the property was in future to be considered for commercial use then that would require planning permission. That is not his nor his partner's intention.

The Planning Department was consulted regarding his and his partner's intentions and was positive in its response at an early stage. Mr Bateman said that as there had been development of a similar scale in the immediate area, he felt that their proposed extension was in keeping with the properties along the road. It would appear that there is ongoing construction to further develop existing large properties in the immediate vicinity. Mr Bateman brought his presentation to an end by reiterating his wish not to upset local people and to be amenable to advice.

Councillor Jeff Evans in his capacity as Local Member said that there were a number of key issues pertaining to the application which had resulted in 10 letters of objection to the proposal in its current format. The Community Council also opposes the proposed development and all the objections are based on standard reasons around excessive height, over development of the site, the amended scheme could provide an additional two bedrooms leading to an 11 bedroom property. Councillor Evans said that it is a site that has its difficulties with the road without the addition of this development. He believed that the provision of 6 car parking spaces would be insufficient to meet the requirements of a 9 bedroom property with the potential for 9 families and that the proposal was way too large for the area and would cause problems with views which people see as an infringement of their homes. There have been objections from 5 neighbouring properties and they might not have seen the proposed new changes – Councillor Evans thought it would therefore have been advisable for the objectors to have been sent a copy of the new plans. Councillor Evans went on to suggest that given this is such a change a site visit could be a way forward. He said he appreciated the comments made by the applicant in respect of not wanting a dispute with his neighbours and in being willing to consider advice. A site visit would therefore be an amenable way forward to a matter which is causing concern.

The Planning Development Manager stated that the application before the Committee is for adaptations and extensions to a dwelling in order to create one single dwelling on the site. As documented in the written report there are objections to the proposal and the plans have been amended at the requirement of Officers in order to try to overcome some of the objections made. The Officer said that in respect of design, the proposal respects the character of the surrounding properties; there are properties of a variety of design and size in this area so a dwelling such as that

proposed is not out of keeping with the surrounding area. In terms of the effects on the occupants of neighbouring properties, Officers have considered this very carefully and have recognised the possibility that the development would have an adverse effect on neighbouring properties through overlooking. It is therefore considered necessary to condition any permission to erect screening along the boundary of the balcony which it is proposed is erected. The application has also been evaluated against the Council's design guidelines and the details can be found in the report. Whilst the height of the proposal is greater than that of the dwelling as it stands, that is not an unusual feature in this particular area. In terms of overdevelopment there is adequate space on the site for the building so Officers do not accept this particular point. Should there be any intention to change the use of the dwelling to another use then that would require planning permission and would be dealt with on its planning merits if and when it arose. The Officer said that he was not aware of any traffic issues and none have been raised by the Highways Section. The applicant was requested to show that the scheme can accommodate up to 6 vehicles within its curtilage in accordance with parking requirements and the applicant has been able to do so. Therefore no new information has been received only confirmation by the applicant that there is sufficient space within the development's curtilage for parking for 6 cars. The Officer said that he did not accept that the area's residents had not been informed of the intention in its entirety. Mention was also made of the potential for 9 families to reside at the property; the Officer explained that for 9 families to be able to reside in one property requires planning permission and that is not the subject of the application in question. Consideration must be given to the application on its own merits as presented. Whilst the proposal does represent a larger extension it is not out of keeping with the character of the area and any adverse effects on amenities can be ameliorated by screening hence the Officer's recommendation of approval.

Councillor Kenneth Hughes said that he believed there were insufficient reasons to reject the application on planning grounds and therefore he proposed that it be accepted. Councillor R. Jones seconded the proposal.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions listed in the written report.**

## 13 OTHER MATTERS

### **13.1 38C185C – Full application for the erection of one wind turbine with a maximum hub height of up to 24.6m, rotor diameter of up to 19.2m and a maximum upright vertical tip height of up to 34.2m on land at Maes Mawr, Llanfechell**

The application was originally reported to the committee as it has been decided that delegated powers will not be used in connection with wind turbine developments. The applicant was at the time also a councillor of the Isle of Anglesey Council. The application was scrutinised by the Monitoring officer as required under paragraph 4.6.10.4 of the Constitution.

*Having declared an interest in this application, Councillor Kenneth Hughes withdrew from the meeting and did not take part in the discussion and voting thereon.*

The Planning Development Manager explained that the Planning and Orders Committee resolved to approve the application in November, 2012. Planning permission was not formally released whilst formal complaints were considered by the Council's Monitoring Officer. A legal challenge was subsequently made to the High Court which remains on-going. In the course of the above events the applicant appealed for non-determination which appeal has been validated meaning that that jurisdiction over the application now lies with the Planning Inspectorate who will determine the application. The Officer went on to say that the application is being reported back to the Committee for a number of reasons as set out in the report including for information; to assess the effect of the supplementary planning Guidance (SPG) on onshore wind energy adopted in January, 2013, and in response to correspondence received following the resolution to grant planning permission. The report addresses these matters in detail. The Committee is now being asked to come to a resolution regarding the Local Planning Authority's position in relation to the appeal. The Officers consider the proposal to be acceptable in terms of the principle of development; visual and residential amenities; shadow flicker/ reflected light; noise and the effects on the AONB. Whilst Officers do recognise that the proposed development would have an impact locally and would be prominent structure they do

not judge those effects to be overbearing. The Officer's original recommendation was one of approval and the recommendation at this meeting is that the Planning Inspectorate is informed that the Local Planning Authority does not wish to contest the appeal and that if the Inspectorate is minded to approve the appeal, that the conditions set out in the report are attached to the consent.

The Legal Services Manager reiterated that the application is not presented to the Committee for determination as the right of determination now resides with the Planning Inspectorate. The Committee is asked to give a lead on the stance to be taken with regard to the appeal. The Officer's recommendation remains one of approval; however there have since been changes by virtue of the SPG although these do not affect the recommendation.

In the subsequent discussion on this matter, Members of the Committee raised the following issues regarding which they sought further explanation –

- The status of the SPG and specifically the provision relating to the separation distance between wind turbines and residential and/or tourist properties. There were a number of questions regarding the weight that could be attached to this provision given that this and certain other additional amendments made at the County Council meeting on 24<sup>th</sup> January, 2013 when the SPG was adopted had not been subject to public consultation. There were also questions regarding going out to consultation on the additional amendments.
- Whether the Officers were satisfied with regard to the point that the proposed wind turbine will be closer to the nearest residential property than the 500m which the SPG advocates as the local approach and whether recommending approval based on a separation distance of 312m sets a precedent for the distance to be thus reduced in the SPG.
- Members sought further clarification of their position as a Committee with regard to what was expected of them in relation to the application. Some Members stated they found it difficult to come a conclusion without being apprised of the broader background and context of the proposal and were minded to defer consideration of the matter in order to receive further information.

The Planning Development Manager responded to the matters raised by explaining that the report addresses the issue of the weight that can be given to the provision within the SPG in relation to separation distance. There have been several appeals where the planning inspectors have stated that they attach little weight to the provision given that the amendments made have not been subject to the public consultation process. The Officers have assessed the position professionally as regards the potential effects which the proposal might have on neighbouring properties and have concluded that there is not sufficient evidence or planning reasons on that basis to refuse the application.

The Legal Services Manager further clarified the position and the expectations on the Committee by saying that the SPG has been adopted by the full Council as guidelines. Planning Inspectors state that the additional amendments made at the meeting of the Council held on 24 January when the SPG was adopted have not been subject to public consultation which is deemed by the Inspectors to be a shortcoming. Consequently less weight is given by the Inspectors to the provisions made by amendment at the 24<sup>th</sup> January meeting including the provision in relation to separation distance. There is no further process available through which the SPG can be taken unless the Council decides that it wishes to amend the Guidance. With reference to separation distances, the Legal Services Manager said the SPG is to be used as a guideline rather than as a prescription and each application must be considered on its own merits within its own particular context and environment since what is appropriate in one case might not be in another. In terms of the Committee's position, the Legal Services Manager advised that should the Committee wish to defer coming to a decision on the matter, then it would be expected to specify what further information it wishes the officers to report back on. If Members feel that they do not agree with the application, then it is open for them to come to resolution to that effect and to detail the planning grounds on which they object to the application.

Following further discussion, Councillor Vaughan Hughes stated that given he had voted against the application previously he believed he should adhere to that position in the interest of consistency. Councillor Lewis Davies said that he felt likewise and he proposed that the Committee's position on the application be one of refusal. i.e. to contest the appeal. His proposal was seconded by Councillor

Vaughan Hughes. The reasons given for the Committee's position were the proposal's adverse effects on the landscape; detrimental visual effects; effects on amenities; potential health effects and its proximity to residential properties.

The Planning Development Manager said in response that Planning Officers would not be able to defend those reasons at appeal.

The Legal Services Manager subsequently advised that as a way forward the matter might be deferred to the next meeting to allow the Officers to report back to the Committee on the reasons given for the Committee's position on the matter and to allow the Committee to consider whether it wishes to reaffirm its decision. He believed the appeal timetable would allow that course of action to be taken.

**It was resolved –**

- **Not to endorse the Office's recommendation that the Planning Inspectorate be informed that the Local Planning Authority does not wish to contest the appeal on the grounds that the Committee rejects the application for reason of its adverse effects on the landscape; detrimental visual effects, effects on amenities; potential health effects and its proximity to residential properties.**
- **That the matter be deferred to the next meeting to allow the Officers to report back on the reasons for the Committee's position of refusal.**

### **13.2 38C236A – Application to determine whether prior approval is required for the erection of an agricultural shed for storage purposes at Tyddyn Paul, Llanfechell**

The applicant is related to a member of staff.

The Planning Development Manager informed the Committee that prior approval of the Local of the Local Planning Authority was not required for the above development and that it constituted permitted development.

**It was resolved to note the information presented.**

## **14 PLANNING & ORDERS COMMITTEE DATES OF MEETINGS 2013/14**

The dates of the Planning and Orders Committee's meetings for 2013/14 were presented for information.

Members sought an explanation for why the Committee's start time had been changed from 1 to 2:00 p.m.

The Legal Services Manager explained that since the volume of business on the Committee's agenda has reduced in recent months it was deemed appropriate to bring the Planning and Orders Committee's start time into line with that of the Council's other principal committees i.e. a 2:00 p.m. start time.

Councillor Kenneth Hughes proposed that the Planning and Orders Committee's start time revert to 1:00 p.m. and his proposal was seconded by Councillor Lewis Davies.

**It was resolved –**

- **To note the dates of the Planning and orders Committee's meetings for 2013/14.**
- **To reinstate the 1:00 p.m. start time for meetings of the Planning and Orders Committee.**

**Councillor W.T.Hughes  
Chair**