

# PLANNING AND ORDERS COMMITTEE

## Minutes of the meeting held on 29 July, 2015

- PRESENT:** Councillor W.T.Hughes (Chair)  
Councillor Ann Griffith (Vice-Chair)
- Councillors Jeff Evans, John Griffith, Kenneth Hughes, Vaughan Hughes, Victor Hughes, Raymond Jones, Richard Owain Jones, Nicola Roberts
- IN ATTENDANCE:** Chief Planning Officer (for application 13.1)  
Lead Planning Case Officer (DPJ) (for application 13.1)  
Planning Development Manager  
Planning Assistants  
Chief Engineer (Highways) (HP)  
Highways Officer (JAR)  
Legal Services Manager  
Committee Officer (ATH)
- APOLOGIES:** Councillor Lewis Davies
- ALSO PRESENT:** Local Members: Councillors R.Llewelyn Jones (applications 12.2 and 13.1), R.Meirion Jones (application 12.3), Ieuan Williams (application 12.4), Mr Gary Soloman (Burges Salmon) (for application 13.1)
- 

### 1. APOLOGIES

The apology for absence was noted as indicated above.

### 2. DECLARATION OF INTEREST

Declarations of interest were made as follows:

Councillor John Griffith declared a personal but not prejudicial interest with regard to application 13.1 and said that he would be participating in the discussion thereon.

Mr Huw Percy, Chief Engineer (Highways) declared an interest with regard to application 6.3.

Mr D.F.Jones, Planning Development Manager declared an interest with regard to application 6.5.

### 3. MINUTES OF THE 1 JULY, 2015 MEETING

The minutes of the previous meeting of the Planning and Orders Committee held on 1<sup>st</sup> July, 2015 were submitted and confirmed as correct.

### 4. SITE VISITS

No site visits were held in the period since the previous meeting of the Committee.

### 5. PUBLIC SPEAKING

The Chair announced that there were public speakers in relation to applications 7.1 and 12.4

## **6. APPLICATIONS THAT WILL BE DEFERRED**

**6.1 24C300A/ECON – Formation of lakes for fishing and recreation use, erection of a shop and café and a storage building together with associated access roads and parking areas and the installation of a new septic tank on land forming part of Tyn Rhos Fawr, Dulas**

It was resolved to undertake a site visit in accordance with the Officer's recommendation in order to appreciate the scale and context of the proposal prior to determining the application.

**6.2 25C28C – Full application for the demolition of existing public house and associated buildings at The Bull Inn, Llanerchymedd**

It was resolved to defer consideration of the application in accordance with the Officer's recommendation pending the receipt of a response/direction from CADW in respect of listing the building.

**6.3 34LPA1013/FR/EIA/CC – Full application for the construction of a link road comprising of a new roundabout on the A5114, highway improvements between the A5114 and the existing roundabout at the southern end of the Industrial Estate Road and construction of a new road between this point and Bryn Cefni Business Park and from the north of Bryn Cefni Business Park to Coleg Menai via the B5420, Penmynydd Road together with associated work on land to the east of Bryn Cefni Industrial Estate, Llangefni**

It was resolved to undertake a site visit in accordance with the Officer's recommendation in order to appreciate the scale and context of the proposal prior to determining the application.

**6.4 34C304F/1/ECON – Outline application for an extension to the existing campus comprising of the erection of three, three storey units with 250 associated car parking spaces, a separate unit comprising of a gym and fitness studio with 60 associated car parking spaces together with an all-weather outside football pitch, and sustainable drainage system with all matters reserved on land at Coleg Menai**

It was resolved to undertake a site visit in accordance with the Officer's recommendation to appreciate the scale and context of the proposal prior to determining the application.

**6.5 36C338 – Outline application for the erection of a dwelling with all matters reserved on land opposite to Ysgol Henblas, Llangristiolus**

*Having declared an interest in the application, the Planning Development Manager withdrew from the meeting during the consideration thereof.*

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reasons set out in the written report.

**6.6 42C127B/RUR – Full application for the erection of an agricultural dwelling together with the installation of a private treatment plant on land at Ty Fry Farm, Rhoscefnhir**

The Planning Development Manager informed the Committee that the recommendation to carry out a site visit is made on the grounds that historic gardens are located near the farm at Ty Fry so it is considered necessary that Members see how the proposal relates to the context and surroundings as well as to assess the proximity of the application site to the farm buildings.

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

## **7. APPLICATIONS ARISING**

**7.1 19C1145 – Full application for the erection of an annexe at Harbour View Bungalow, Turkey Shore Road, Holyhead**

The application is reported to the Planning and Orders Committee as it has been called in by a Local Member.

The Planning Development Manager informed the Committee that a Local Member had requested via e-mail that the Committee undertake a site visit because of concerns regarding the effects of the proposal on properties at the rear of the site due to potential loss of light .

Councillor Raymond Jones said that he would like the Committee to see the application site to better understand local concerns and he proposed to that effect. Councillor Victor Hughes seconded the proposal.

Councillor Jeff Evans said that he did not believe a site visit was necessary as taking all things into account from the report he did not believe there was any light infringement and that visiting the site would only delay determining the matter. He proposed that no site visit be carried out and that the application be considered directly. Councillor Nicola Roberts seconded the proposal. In the subsequent vote, Councillors John Griffith, Kenneth Hughes, Victor Hughes, Raymond Jones and Richard Owain Jones voted in favour of undertaking a site visit and Councillors Jeff Evans, Ann Griffith, Vaughan Hughes and Nicola Roberts voted against a site visit. The vote for a site visit was therefore carried.

**It was resolved to visit the application site in accordance with a Local Member's request to assess potential loss of light issues.**

#### **7.2 19LPA37B/CC – Full application for demolition of part of the existing building, alterations and extensions so as to create a new primary school together with the formation of a car park at Cybi Site, Holyhead High School, Holyhead**

The application is reported to the Planning and Orders Committee as it is made by the Council on Council owned land. At its meeting held on 1<sup>st</sup> July, 2015 consideration of the application was deferred because of an error in the consultation process relating to Local Members which has since been rectified.

The Planning Development Manager reported that the application site was until recent years used as part of the Holyhead High School campus. It has since become vacant and has fallen into a state of disrepair. The alterations proposed as part of the development will preserve a listed building that is of importance to the community and will ensure that it remains in educational use. Its location next to the High School and Millbank sports fields will add to the educational focus of the locality. Given that the school site has been in use for educational purposes since it was first built and will continue in such use as a result of the proposal, it was the Officer's view that although schools will be amalgamated on the site, any intensification of the use as a result of the proposal will not entail any unacceptable impacts on the amenities of local residents to the extent that permission should be withheld. It should be noted that only one letter of objection to the proposal has been received. The recommendation is therefore one of approval subject to no new matters being raised as a result of undertaking additional publicity regarding amended details to address design concerns, in which case a further report will be presented to the Committee.

Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Richard Owain Jones.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the expiry of neighbour notifications and consultations, and the conditions listed 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 25C250 – Outline application for the erection of a dwelling and installation of a package treatment plant together with full details of the vehicular access on land adjacent to Tregarwen, Coedana, Llanerchymedd

The application is reported to the Planning and Orders Committee as an application which is contrary to the adopted Ynys Môn Local Plan but which can be supported under the provisions of the stopped Unitary Development Plan.

The Planning Development Manager informed the Committee that the application is now being recommended for deferral on account of a planning appeal in the locality which raises issues which Planning Officers wish to consider prior to issuing a recommendation and determining the matter.

Councillor Victor Hughes proposed that consideration of the application be deferred and the proposal was seconded by Councillor Richard Owain Jones.

**It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given.**

## 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 19C845H – Full application for the siting of a Porto cabin on the site for use as a football club merchandise shop at Holyhead Hotspurs, Holyhead

The application is reported to the Planning and Orders Committee as the land on which it is made is owned by the Council.

Councillor Raymond Jones proposed that the application be approved and the proposal was seconded by Councillor Nicola Roberts.

**It was resolved to approve the application in accordance with the Officer's recommendation subject to the condition set out in the written report.**

### 12.2 19C587C – Full application for the erection of 1 bungalow and 2 semi-detached dwellings together with the formation of a vehicular access on land adjacent to Parc Felin Dwr, Holyhead

The application is reported to the Planning and Orders Committee as it has been called in by a Local Member.

The Planning Development Manager reported that the application site is located within the development boundary of Holyhead as designated under Policy 49 of the Local Plan. The whole field enclosure is specifically allocated for housing development under the Local Plan. The principle of the development is therefore established in policy terms. Moreover, the site already has the benefit of planning permission for two dwellings. The scheme as originally submitted under the application was for 4 dwellings as two pairs of semi-detached units, and has been amended following discussions to address amenity concerns in relation to the adjoining property. In design terms the proposal reflects surrounding development and is not considered out of keeping with the residential estate development in the vicinity. The recommendation is therefore one of approval.

Councillor R.Llewelyn Jones speaking as a Local Member voiced concerns about the effects of the proposal in relation to the playing field which will be overshadowed by the proposed pair of semi-detached two storey buildings and which will also detract from the open aspect of the field – two bungalows would be better suited to the area and would have less of an immediate impact. He asked the Committee to refuse the application as presented in favour of amending the scheme to allow the erection of two bungalows which would sit better within the confines of the plot.

The Committee sought clarification of the plot site relative to the playing field and the neighbouring properties as well as the distance between the playing field and the proposed development.

The Committee was shown illustrations of the plot area and how the proposal would sit within the area. The Planning Development Manager confirmed that the plot remains the same in size and that the only change is that the application is now for a bungalow and a pair of semi-detached two storey units where previously it had been for two pairs of semi-detached two storey units. All the housing in the immediate area overlooks the playing field. In response to a question whether there is a sufficient buffer between the plot and the playing field, the Officer said that from the rear of the property to the rear of the plot there was judged to be a distance of 7 to 8m. Taking all matters into consideration, the proposal is not deemed unreasonable.

Councillor Jeff Evans said he could not see what the loss of amenity was in this instance given that the proposal would not have a direct effect on the football field or playing area, and he proposed that the application be approved. The proposal was seconded by Councillor Nicola Roberts.

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

*The Legal Services Manager advised at this juncture that as the Committee had now been in session for three hours (application 13.1 having been brought forward for consideration earlier in the Committee's order of business and applications 7.1 and 12.4 having been considered under Item 5 – Public Speaking), under the provisions of paragraph 4.1.10 of the Council's Constitution, a resolution was required by the majority of those Members of the Committee present to agree to continue with the meeting. It was resolved that the meeting should continue.*

### **12.3 39C18Q/1/VAR – Application under Section 73 for the variation of condition (09) from planning permission reference 39C18H/DA (erection of 21 dwellings) so as to change the designs at Plot 22, Ty Mawr, Menai Bridge**

The application is reported to the Planning and Orders Committee at the request of a Local Member.

The Planning Development Manager reported that the application is for a change of design from that of the scheme approved under application 39C18H/DA in 1996 for 21 dwellings on land at Ty Mawr. The development originally proposed to raise the level of Plot 22 but the proposal was amended subsequent to the receipt of objections and the call-in and now entails the erection of a dwelling with a detached single garage (as opposed to the original approval under the aforementioned application in 1996 for dwellings with an integrated garage). The floor level has reverted to the original level as approved under the scheme in 1996. The material palette will match that of neighbouring Plot 23 which was approved recently under an application to amend the external appearance of the development on Plot 23. The change in design is not considered unacceptable since the Ty Mawr estate consists of properties of various sizes, designs and layouts and the development will continue the material palette as approved for Plot 23. The recommendation is therefore one of approval.

Councillor R.Meirion Jones gave his perspective as a Local Member and said that the Ty Mawr estate has been established since twenty years and that its character is consistent and the properties which make up the estate form a family of properties having the same appearance and characteristics. He said that he thought the proposed development would have an impact on the estate in having a separate rather than integrated garage which is out of keeping with the remainder. An amendment to the design and appearance of Plot 23 has already been granted and a further amendment to the design and appearance of Plot 22 will continue the piecemeal changes that are being made to the original approved plans thus undermining the unity of the whole. Councillor Jones asked the Committee to carefully weigh the application against the objections to it or alternatively, consider a site visit.

The Planning Development Manager said that the perception of design can be subjective and that the estate has evolved over time in such a way as is reflective of the use of new materials. Whilst what is proposed is slightly different to that approved originally, it is the Officer's view that the proposal is not unacceptable in its context.

Councillor Kenneth Hughes proposed that the application be approved and the proposal was seconded by Councillor Jeff Evans.

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

**12.4 40C323B – Full application for the erection of a dwelling, installation of a sewerage treatment plant together with the construction of a vehicular access on land opposite Bryn Hyfryd, Brynrefail**

The application is reported to the Planning and Orders Committee at the request of a Local Member.

The Chair invited Ffiona Hughes to address the meeting as an objector to the application.

Miss Hughes highlighted the following points of objection with regard to the application –

- That local residents are disappointed that an outline application for a dwelling on the site was granted in the first place.
- That the proposal will front the neighbouring properties instead of the A5025 highway and in so doing, will have a negative impact on privacy and will overshadow Bryn Hyfryd. If the proposal was to face the A5025 it would continue the natural flow of the village.
- Whilst accepting that there is no right to a view, it is disheartening to be living in a recognised area of natural beauty and to have paid for a property advertised as one with a view, and then not to be able to see the natural greenery whilst relaxing at home. The proposed new dwelling as applied for will face Bryn Hyfryd and will completely obscure the view it currently enjoys.
- The Officer's report notes that there is sufficient distance from the A5025 to the access to the proposed dwelling. However it is the residents' view that that distance needs to be more than 11m. It is a matter of concern to residents that the siting of the access is so close to the highway as there have been several accidents in the area. A recent accident resulted in two being taken to Ysbyty Gwynedd.
- A petition in support of the proposal is based on the erection of a cottage on the site, but the application presented to the Council is for a two storey dwelling.
- For reasons of loss of privacy, loss of natural light and loss of view and due to concerns around road safety, residents are opposed to the application and the Committee is asked to consider those concerns and the effects the proposal will have on Bryn Hyfryd and on the neighbouring properties.

The Committee questioned Miss Hughes on the original intention with regard to the erection of a cottage. Miss Hughes said she understood that the intention originally was to erect a single storey bungalow but that she now understood that the scheme involves a two storey dwelling. A smaller scale dwelling of lesser height which would allow continued access to the views from Bryn Hyfryd would have been more acceptable. As it is, the proposal along its whole length will face Bryn Hyfryd, whereas it would be more natural, would make more sense and would be in keeping with the existing pattern of development in the area were it to face the A5025.

Mr Geoff Brown, as the architectural designer of the proposed property and agent to the applicant spoke to the Committee in support of the application as follows:.

- The application has full Officer support and is fully compliant with the existing outline permission on the site which was for a house and not a bungalow.
- Access arrangements remain the same as those approved in the outline permission.
- The proposal is lower in height and has a smaller footprint than that approved under the outline consent. It is smaller in scale than what it could have been to minimise the impact on the neighbouring properties. The property is aligned to present the smallest possible area towards the surrounding properties.
- The closest neighbouring property is Bryn Hyfryd which at 35m minimum distance is far in excess of the minimum standard of separating distances between dwellings. The house is offset to the West so it is not directly overlooked from any windows in the proposed house.
- Due to the orientation of Bryn Hyfryd, the direct line of vision skirts the frontage of the proposal so there is no impact as regards natural light or privacy.

- The proposal is designed as regards materials used, to blend in with surrounding properties and those details have been agreed with Planning Officers.
- The petition submitted in favour of the proposal include signatories from among the residents of the three properties situated directly opposite the application site.

The Committee sought clarification of the dimensions of the proposal in comparison with those approved at outline stage and was informed by Mr Brown that the proposal is now for a dwelling which measures 7.3m to ridge height (as opposed to 7.75m under the outline permission) and has a total footprint of 130m sq. (as opposed to 144m sq. under the outline permission) and upon request, it was shown the plan of the site.

The Planning Development Manager reported that the proposal is smaller in scale than the two storey dwelling for which outline planning permission was granted in 2013 under delegated authority. Four letters of objection have been received, three of which are by the same person and the only new matter raised therein is a reference to a road traffic accident in the village. The principal planning considerations that apply in this instance are the proposal's compliance with policy and its impacts in terms of matters of acknowledged importance i.e. on the amenities of the surrounding properties, on the AONB and highway safety. It is the Officer's view that the proposal is compliant with the requirements of Policy 50 of the Ynys Môn Local Plan and Policy HP5 of the Stopped Unitary Development Plan as outlined in the report and that it will not harm the amenities of adjoining properties; it will not look out of place at the corner of the road junction and nor will it erode the wider landscape quality of the area to such a degree as to warrant refusal. The Highways Authority does not have any objections to the proposal on road safety grounds. The proposal is therefore recommended for approval.

The Highways Officer confirmed that the Highways Authority had not received a Police accident report with regard to the reported traffic accident in the village, but understands that driver error was a factor rather than the junction itself.

Councillor Ieuan Williams (a Local Member) said that this was a matter of amenity and consistency and that he could not understand, when the written report states that the properties in the area face the A5025 or to the North East towards Moelfre, how the proposal is being recommended for approval when its orientation is contrary to that of those properties. It will be incongruous within the area. It is a case of splitting hairs to say that the proposal would be so situated so as to only partly front Bryn Hyfryd, when it clearly does so thus raising issues of privacy and amenity. He asked the Committee to refuse the application and to ask the applicant to re-submit the application so that the proposal faces the A5025 or in the direction of Moelfre consistent with the existing cluster of properties in the area.

The Planning Development Manager clarified that the written reports states that properties in the area front a highway, but do not all necessarily front the A5025 highway. With regard to privacy and amenity, it is a matter for the Committee to weigh the considerations as reported and to come to a conclusion thereon.

The Committee was divided as to the merits of the application; some Members were in favour of approval based on the extant outline planning permission on the application site whilst other Members expressed doubts on the basis of what they interpreted as non-compliance with Policy 50 and the criteria therein given that the application site is within an open field in an Area of Outstanding Natural Beauty. Still other Members thought further information was required ahead of determination.

Councillor Jeff Evans pointed out that outline permission had already been granted and proposed that the application be approved in accordance with the Officer's recommendation. The proposal was seconded by Councillor Kenneth Hughes who although sympathetic to the argument about loss of natural views, said that that was not a planning consideration.

Councillor Nicola Roberts proposed that the application be deferred to allow the Committee to obtain further information prior to determination and the proposal was seconded by Councillor Richard Owain Jones

Councillor Victor Hughes proposed that the application be refused contrary to the Officer's recommendation because he was not satisfied that the application meets Policy 50 criteria and the proposal was seconded by Councillor Ann Griffith.

The Legal Services Manager advised that a refusal for reason of non-compliance with Policy 50 would be difficult to support as outline permission already exists on the application site.

In the subsequent vote, Councillors Jeff Evans and Kenneth Hughes voted to approve the application; Councillors Nicola Roberts and Richard Owain Jones voted for a deferral and Councillors Victor Hughes, Ann Griffith, John Griffith, Raymond Jones and W.T.Hughes voted to refuse the application contrary to the Officer's recommendation. The reason cited for refusing the application was that the development by virtue of its proposed orientation, will have a detrimental effect on the amenities of the neighbouring properties, and visually on the AONB.

**It was resolved to refuse the application contrary to the Officer's recommendation for the reason set out.**

**In accordance with the requirements of the Council's 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.**

### **13. OTHER MATTERS**

**13.1 46C427K/TR/EIA/ECON - A hybrid planning application proposing: Outline with all matters reserved except for means of access, for –**

**A leisure village at Penrhos Coastal Park, London Road, Holyhead comprising : up to 500 new leisure units including new lodges and cottages; Central new hub building comprising reception with leisure facilities including indoor sub-tropical water park, indoor sports hall, and cafes, bars, restaurants and retail; central new Farmer's Market building; Central new spa and leisure building; A new café and water sports centre at the site of the former Boathouse; demolition of the Bathing House and the construction of a restaurant at its former location; Demolition of other existing buildings including three agricultural barns and three residential dwellings; 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 signage created throughout; Creation of a new woodland sculpture trail and boardwalks and enhanced connection to the Coastal Path. The beach will continue to be accessible to the public providing safe access to the shallow shelving water; A Combined Heat and Power Centre.**

**Land at Cae Glas: The erection of leisure village accommodation and facilities which have been designed to 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 which will be initially sub-divided for nuclear workers accommodation; 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, retail 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 an extension to the Penrhos Coastal Park Leisure Village comprising: Refurbished lodges and facility buildings to create 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.**

**Land at Kingsland: the erection of a residential development which has been designed to be used initially as temporary construction workers accommodation at land at Kingsland, Kingsland Road, Holyhead comprising: Up to 320 new houses to be initially used as temporary construction workers accommodation. To be subsequently converted (post Wylfa B construction) into a residential development comprising: Up to 320 residential dwellings set in high quality landscaping and open spaces. Each phase of development will have ancillary development comprising car parking, servicing areas, open spaced and plant. Full detail for the change of use of the existing Estate buildings at Penrhos Coastal Path, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from the a cricket clubhouse to a visitors information centre, restaurant, café, bars and retail; Home Farm Barn and Cart Buildings from farm**



**buildings to cycle and sports hire centre; the Tower from residential to a Managers accommodation and ancillary office; and Beddmanarch House from residential to a visitors' centre.**

The report of the Head of Planning Service detailing the outcome of further discussions with regard to the application, subsequent to the Planning and Orders Committee's 3<sup>rd</sup> June, 2015 meeting was presented for the Committee's consideration.

The Chief Planning Officer reported that the report above follows on from the report presented to the 3 June, 2015 meeting of the Planning and Orders Committee where it was resolved that the terms of the Section 106 Agreement related to the Land and Lakes proposals be brought back to the Committee prior to completion of the Agreement. The Officer said that whilst a small number of issues remain to be finalised before the Agreement can be completed, matters have progressed and consequently, there is now more detail available in relation to each area of provision and this is reflected in the report. Concerns raised at the June Committee meeting were relayed back to the developer which has resulted in some areas being revisited, including the key concern of ensuring that sufficient safeguards are put in place to only allow development of the legacy uses if the site is first used as accommodation for nuclear workers.

Mr Gary Soloman, Burges Salmon proceeded to update the Committee on progress made with regard to negotiations and/ or agreement on specific heads of terms since the 3 June meeting and the publication of the report as follows –

- Education (1) – the developer and the Council have agreed a contribution of £1.604m which now includes pre-school provision and placements at Welsh Language centres.
- Medical Care (2) – the Council proposes a maximum financial capital contribution of £600k towards accommodation needed to meet the demand for additional GP services and £178k for the demand on dentists. BCUHB's assessment is that £1m is required leaving a difference of approximately £200k. There is also an outstanding issue with regard to a revenue contribution – the BCUHB deems that such a contribution may properly be requested and is looking into the matter before issuing a figure as to the amount. Mr Gary Solomon read out an e-mail from BCUHB summarising its position.
- Leisure(3)/Swimming(4)/Library(5) – as per reported previously to the 3 June meeting.
- Police (6) - £2.759m is now an agreed contribution between the Council, the developer and the Police with a contingency of almost £700k.
- Ambulance/Fire (7) – The Fire and Ambulance Services have assessed the level of provision required as £676,740 and £1.1m respectively. Those figures and the methodology on which they are based are subject to verification.
- Child Social Services (8) - Funding for a Consultant Social Worker has been agreed for £56k to £58k per annum for a period of 5 years in relation to nuclear worker impact. However, following concerns raised at the June meeting in relation to the timing and duration of the appointment, the provision will commence within 12 months prior to the first occupation of the development by nuclear workers and shall be extended for up to five more years if the Council assesses that a continuing need for such an officer exists.
- Heads of Terms (9) to (15) inclusive – as per reported previously to the 3 June meeting.
- Green Travel Plan (16) and Public Transport (17) – A public transport capital contribution of £200k together with an annual contribution thereafter of £200k for the duration of occupation by nuclear workers towards the provision of a shuttle bus service between Holyhead Town Centre, Kingsland and the London Road wards have been agreed.
- Heads of Terms (18) to (32) inclusive - as per reported previously to the 3 June meeting.

The Committee considered the report and the information provided verbally with regard to the Heads of Terms, and in the ensuing discussion thereon the following issues were raised as areas regarding which the Committee deemed further clarification and assurance were necessary –

- With reference to the agreement that the developer must provide 50% of the housing at Kingsland as affordable housing (which will be market dwellings discounted at 30% of their open market value), the Committee questioned the alternative provision put forward that the developer can elect to pay a commuted sum to the Council in lieu which represents the equivalent of the 30% reduction, on the basis that if the provision is to be offered as affordable housing with a 30% reduction in open market value then the reduction should

be for the individual or else it is a gain to the Council and not to the purchaser. Mr Gary Soloman said that it would be a 30% gain to the Council in order to provide affordable housing elsewhere.

- The Committee noted that the Police contingency sum of £689k is in order to provide a custody suite in Holyhead if such a provision is deemed necessary, and noted also that no information was available as to the likely/estimated number this provision would cater for. Mention was made in this context of the potential loss to Holyhead of its magistrates' court as part of a Ministry of Justice proposed closure process and the Officers were asked to raise the matter as a risk in their discussions with North Wales Police. The Chief Planning Officer said that the concern expressed can be forwarded to the Police but that it cannot be included in the Section 106 Agreement as it is beyond its remit.
- The Committee noted that Head of Terms (8) Children's Social Services makes reference to vulnerable adults but that there is no separate section head to specifically address provision for vulnerable adults. Mr Gary Soloman said that at the time of approval it was only Children's Social Services that was considered to be an issue. It has been deemed appropriate that a Code of Practice be established which could include vulnerable adults notwithstanding vulnerable adults do not form part of the Head of Term.
- With reference to Head of Terms (8) also, the Committee questioned the choice of a Consultant Social Worker as opposed to an Establishment Social Worker on the basis that the engagement of consultants has been discouraged.
- With reference to Head of Terms (2) Medical Care, the Committee noted that BCUHB had only latterly become involved in discussions and sought assurance that the level of contribution which it has assessed as required is based on a sound methodology and is robust and defensible. Mr Gary Soloman confirmed that BCUHB is now fully engaged and has provided an indicative figure based on initial assessment for this meeting. The details are awaited and the figure will not be agreed until there is assurance that it is robust. The Chief Planning Officer said that there have been extensive consultations with BCUHB during the preceding two months and that he had confidence in those discussions and that they will come to fruition shortly.
- The Committee noted that many of the participating consultee bodies are regional organisations and sought assurance that expenditure of the funding agreed should apply to Anglesey and should not be directed to those organisations' central funds. Mr Gary Soloman confirmed that monies agreed are to be applied locally.
- The Committee sought assurance given the magnitude of the contributions involved and the project's time scale, that the monies for which a commitment has been made will be forthcoming. The Committee noted that under Head of Terms (28), General Provisions, there will be a requirement to provide bonds in relation to the various requirements within the Agreement to help ensure delivery but deemed that a much greater level of detail was required in order for the Committee to appreciate how the bonds would be set up and how they would work in practice. Mr Gary Soloman said bonds are a standard way of securing Section 106 obligations and the mechanism by which bonds usually work is that a bond is set up ahead of a particular stage of the development depending on when a payment is due; occasionally with large scale projects a bond can be established at a level that covers the lifetime of the development – what type of bonds will be provided remains to be determined. Bonds will be put in place as a safeguard to ensure that development will stop if monies due at a specific trigger point are not paid.

Councillor R.Llewelyn Jones was given the opportunity to speak to the Committee as a Local Member. Councillor Jones urged the Committee to deliberate carefully before accepting the Heads of Terms as presented and to be wholly satisfied that the terms of the Section 106 Agreement are credible and achievable. He pointed out to the lack of clarity around how the development would proceed, and said that it had not been pinned down to a specific timescale or sequence of events. He highlighted the absence of information regarding overall costings and regarding how the commitments would be met. He suggested that more background information is necessary particularly in terms of an understanding on the part of Horizon that it will be making use of those elements of the development proposed for Cae Glas and Kingsland. He asked the Committee not to accept the recommendations because of unanswered questions or else to defer acceptance pending affirmation by the Economic Regeneration Service as to feasibility.

The Chief Planning Officer said that the merits of the application had been addressed at the time of its approval in November, 2013. Much time and effort have since been spent on formulating and crafting the Section 106 Agreement and that he did not accept therefore that it was not credible. He confirmed that there is no contract currently between Horizon and the applicant, Land and Lakes Ltd. Should a contract not be forthcoming then those parts of the development relating to Cae Glas and Kingsland will not proceed. The Economic and Regeneration Department has been involved in the discussions and has been keen to ensure the benefits deriving from the scheme are maximised and that impacts are mitigated through planning conditions and a legal agreement.

Mr Gary Soloman said that some of the issues raised by the Local Member are covered by the detailed restrictions proposed in the legal agreement which are set out in the report from paragraph 1.1 through to paragraph 5.1.

The Committee considered the proposed restrictions as presented and commented as follows thereon –

- The Committee was concerned about the terms in relation to the occupation of the nuclear workers' accommodation as per paragraph 2.2 and suggested that the 50% occupancy level stipulated for Cae Glas provides insufficient assurance.
- The Committee expressed concern also regarding the qualifying criteria for legacy use as set out under paragraph 3.2 and suggested that the "occupation by 2 nuclear workers for at least a 2 year period" criterion be revisited.
- The Committee reiterated its concerns regarding the lack of detail in relation to establishing the extent of the contamination of land at Cae Glas, the measures needed to deal with it and the costs thereof.

The Lead Planning Case Officer confirmed that two planning conditions have been put in place to address the issue of contamination as reported to the Committee's 3 June meeting. Condition (36) stipulates that a remediation strategy and long term monitoring and maintenance plan for contaminants must be submitted to the Planning Authority for its approval, and Condition (37) stipulates that no use of any part of the development affected by contaminants shall occur until measures in the remediation strategy have been submitted to and approved by the Planning Authority. The Chief Planning Officer also confirmed that the Authority's Environmental Health Section is satisfied with those conditions.

Whilst noting the additional information provided to the meeting and the position reached as regards the Heads of Terms, the majority of the Committee's Members felt they were not in a position at today's meeting to be able to assent to the finalisation of the Section 106 Agreement without the receipt of further information and assurances regarding the specific issues raised in relation to the Heads of Terms and restrictions, which were –

- Clarification on contamination issues at Cae Glas and proposed requirements
- How monies received will be applied/spent
- Restriction on carrying out the legacy uses
- Delivery/occupation of Cae Glas vis-à-vis Penrhos
- Bonds
- Emergency Service provision
- Social Services provision

Councillor Jeff Evans proposed that a decision be deferred pending the receipt of further clarification of the matters raised at this meeting as listed above. Councillor Ann Griffith seconded the proposal. Members indicated that they would find it helpful if those matters could be discussed in an informal session with Officers ahead of the submission of a further report to the Committee.

**It was resolved to defer a decision on the matter pending the receipt of a further report by the Officers in clarification of the specific issues raised.**

**Councillor W.T.Hughes  
Chair**