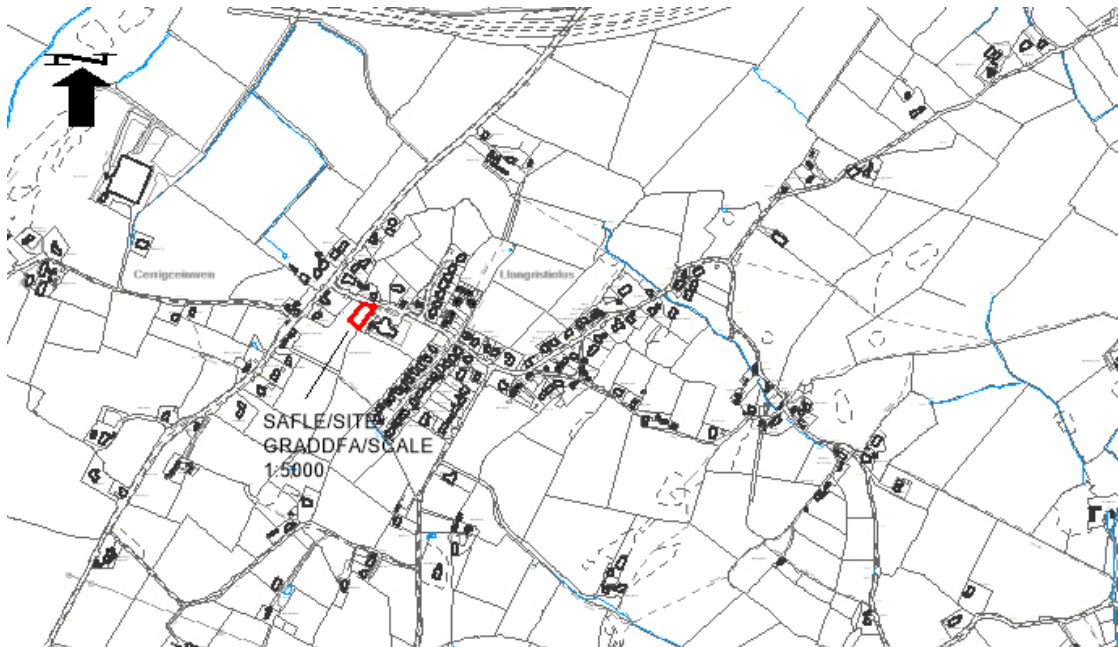


Rhif y Cais: **36C344B/VAR** Application Number

Ymgeisydd Applicant

Mr Steven Parry

Cais o dan Adran 73 i ddiwygio amod (01)(Cynlluniau a gymeradwywyd) o ganiatâd cynllunio rhif 36C344A/DA(Cais am faterion a gadwydd yn ol ar gyfer codi annedd) er mwyn galluogi estyniad ystafell haul a chodi garej ar wahân ar dir ger / Application under Section 73 for the variation of condition (01)(Approved plans) of planning permission reference 36C344A/DA (Application for approval of reserved matters for the erection of a dwelling) so as to allow sun room extension and erection of detached garage on land adjacent to

Ysgol Henblas School, Llangristiolus

Planning Committee: 04/04/2018

Report of Head of Regulation and Economic Development Service (GJ)

Recommendation:

Permit.

Reason for Reporting to Committee:

The application is being presented to the Committee as the proposal is contrary to policies of the Joint Local Development Plan but which the Local Planning Authority is minded to approve

1. Proposal and Site

The application is made under Section 73 for the variation of condition (01) (Approved Plans) of planning permission reference 36C344A/DA (erection of a dwelling) so as to allow a sun room extension and a detached garage on land adjacent to Ysgol Henblas, Llangristiolus.

2. Key Issue(s)

The key issue is whether the proposal is an improvement to that originally approved under application reference 36C344A/DA.

3. Main Policies

Joint Local Development Plan

PCYFF2 – Development Criteria

PCYFF3 – Design and Place Shaping

TAI4 – Housing in Local, Rural and Coastal Villages

4. Response to Consultation and Publicity

Community Council – No response at the time of writing the report

Local Member (Dafydd Roberts) – No response at the time of writing the report

Local Member (Eric Wyn Jones) – No response at the time of writing the report

Drainage - No response at the time of writing the report

Highways Department – No response at the time of writing the report

Site notices were placed near the site and neighbouring properties were notified by letter. The application was also advertised in the local newspaper as the development is contrary to planning policies. The expiry date for receiving representations is the 06/04/17. At the time of writing the report no letters were received.

5. Relevant Planning History

36C344 – Outline application for the erection of a dwelling together with full details of the vehicular access together with the re-location of the access into the field – 04/02/16 – Granted

36C344A/DA - Application for approval of reserved matters for the erection of a dwellings on – 25/01/18 - Granted

6. Main Planning Considerations

The principle of a dwelling has already been established under planning application 36C344A/DA. Detailed Plans were approved on the 25/1/18 for the erection of a dwelling.

Joint Local Development Plan

Since the adoption of the Joint Local Development Plan Llangristiolus is now identified as a Local Village where any new dwelling must be within the settlement's development boundary and of a size, scale, type and design which corresponds with the settlement's character. The application is contrary to Policy TAI6 of the Joint Local Development Plan because it is located outside the development boundary; however, as the application site has an extant planning permission the following must be considered:

- Is there a likelihood that the existing permission can be implemented.
- Are the amendments to the permission better than that previously approved.

Application reference 36C344A/DA was approved on the 25/01/18 and the likelihood of it being implemented is very likely as the permission will not expire until 04/02/21.

The scheme previously approved under 36C344A/DA was for a two storey dwelling. The planning application currently under consideration is the addition of a single storey pitched roof sun room measuring 6m x 3.9m x 3.6m high to the rear of the dwelling together with the erection of a single storey pitched roof detached garage with a floor area of 39.75 square metres.

It is considered that the alterations fit in with the size, scale, type and design in the area and will not have a negative impact upon the amenities currently enjoyed by neighbouring properties.

Adjacent residential properties

Neighbouring properties have been notified of the development. The expiry date to receive representations being 06/04/18. At the time of writing the report no objections were received. It is not considered that the proposal will have a negative impact upon adjoining residential properties.

7. Conclusion

The application is contrary to Policy TAI6 of the Joint Local Development Plan; however the fallback position is that the application site has an extant planning permission for a dwelling.

It is considered that the previous application 36C344A/DA is likely to be implemented and the amendments fit in with the size, scale, type and design in the area. A condition will be placed on the permission which will preclude the implementation of the previous permission.

8. Recommendation

Permit subject to no adverse representations being received from the neighbour notification period dated 06/04/18 that has not already been addressed in the report.

(01) The development permitted by this consent shall be carried out strictly in accordance with the plan(s) and document(s) submitted below:

Date Received	Plan Description	Plan Reference
22.2.18	Proposed Detached Garage	9
22.2.18	Proposed Elevation	8
22.2.18	Proposed Site Plan	6
22.2.18	Proposed Floor Plans and Cross Section	7
22.2.18	Location Plan	1

under planning application reference 36C344B/VAR.

Reason: For the avoidance of doubt.

(02) The developer shall write to the Local Planning Authority within 7 days of the commencement of the development (as that terms is defined in Section 56 of the Town and Country Planning Act 1990 as amended) to advise it of the fact. At no time thereafter shall the developer commence development or undertake any further work amounting to development on any of the following permission: [36C344A/DA - Application for approval of reserved matters for the erection of a dwellings on land adjacent to Ysgol Henblas, Llangristiolus].

Reason: to prevent the implementation of separate planning permissions concurrently which would be objectionable to the Local Planning Authority.

In addition the Head of Service be authorised to add to, remove or amend any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

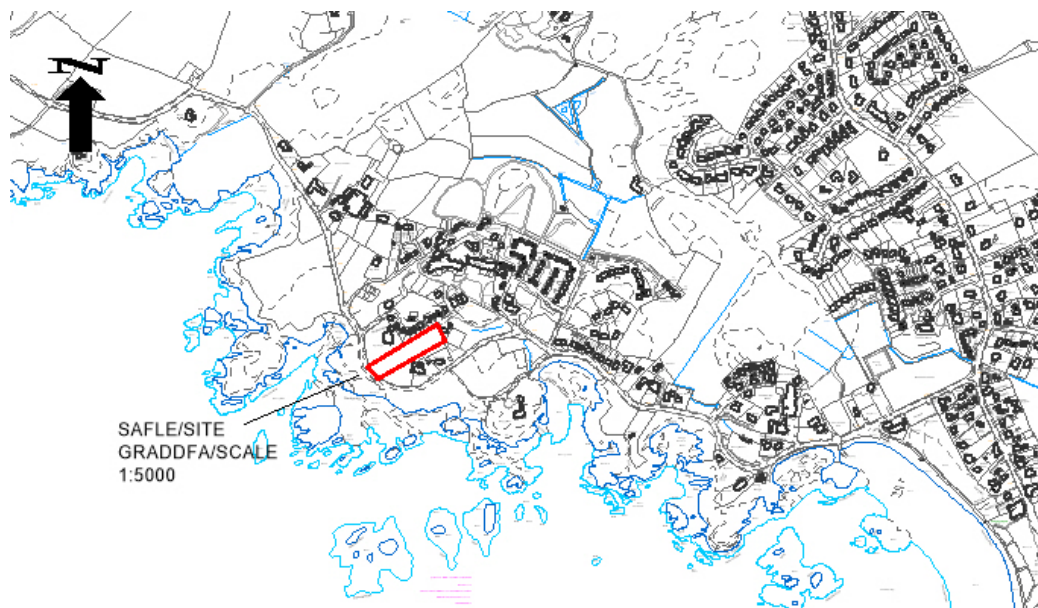
Rhif y Cais: **46C402F/VAR** Application Number

Ymgeisydd Applicant

Mr Robert Songhurst

Cais o dan Adran 73 A i ddiwygio amodau (05) (mynediad i'r safle presennol), (06) (ystâd ffyrdd a llwybrau troed), (09) (system ddraenio) a (10) (cadw man glaswelltog) o ganiatâd cynllunio rhif 46C402D (cais llawn i godi 13 o dai, cau'r fynedfa bresennol i Pendorlan a gwella fynedfa i Fflatiau'r Cliff) er mwyn caniatáu mynediad i gerddwyr/beicwyr oddi ar Lôn Isallt, creu mynediad i erddi cefn tai A1 i A4, cwblhau ffordd y stad a'r llwybrau fesul dipyn a chwblhau'r system ddraenio fesul dipyn wedi i'r gwaith gychwyn ar y safle yn / Application under Section 73 A for the variation of conditions (05) (existing site access), (06) (estate road and footpaths), (09) (drainage system) and (10) (retention of grassed area) of planning permission reference 46C402D (full application for the erection 13 houses, closure of existing access to Pendorlan and improve access to Cliff Apartments) so as to allow pedestrian/cycle access from Lon Isallt, create access to rear gardens of houses A1 to A4, phased completion of estate road and footpaths together with phased completion of drainage system after works have commenced on site at

Pendorlan, Lôn Isallt, Trearddur



Planning Committee: 04/04/2018

Report of Head of Regulation and Economic Development Service (GJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The application conflicts with Policy TAI 5 Local Market Housing of the Joint Local Development Plan and constitutes a departure application which the Local Planning Authority is minded to approve.

1. Proposal and Site

The site is situated within the development boundary of the village of Trearddur and has planning permission for residential development comprising 13 units.

This is an application under Section 73 A for the variation of conditions (05) (existing site access), (06) (estate road and footpaths), (09) (drainage system) and (10) (retention of grassed area) of planning permission reference 46C402D (full application for the erection 13 houses, closure of existing access to Pendorlan and improve access to Cliff Apartments) so as to allow pedestrian/cycle access from Lon Isallt, create access to rear gardens of houses A1 to A4, phased completion of estate road and footpaths together with phased completion of drainage system after works have commenced on site at Pendorlan, Lon Isallt, Trearddur Bay.

2. Key Issue(s)

The applications key issues are compliance with current development plan policies and whether the highways and drainage department are satisfied with the variation of conditions.

3. Main Policies

Joint Local Development Plan

PCYFF1 – Development Boundaries

PCYFF 2 – Development Criteria

PCYFF3 – Design and Place Shaping

PCYFF 4 – Design and Landscaping

TAI 5 - Local Market Housing

Planning Policy Wales (9th Edition)

Technical Advice Note 5: Conservation and Planning

Technical Advice Notes 12: Design

4. Response to Consultation and Publicity

Councillor Trefor Lloyd Hughes – No response to consultation

Councillor Dafydd Rhys Thomas – No response to consultation

Councillor John Arwel Roberts – No response to consultation

Community Council – No response to consultation

Natural Resources Wales – No response to consultation

Education Department – No response to consultation

Welsh Water – No response to consultation

Highways – Comments

Housing – Comments regarding the need for affordable housing.

The application was afforded two means of publicity. These were by the posting of a site notice near the site and the serving of personal notifications on the occupants of neighbouring properties. The application was also advertised in the local newspaper as the development is contrary to policies of the Joint Local Development Plan. The expiry date for the receipt of representations was 22nd March 2018. No representations were received.

5. Relevant Planning History

46C402 - Demolition of existing bungalow and the erection of 3 storey apartment block (consisting of 7 apartment 4, 2 bedrooms, 3, 3 bedrooms) together with alterations to the existing vehicular/pedestrian access at Pendorlan, Lon Isallt, Trearddur Bay. REFUSED 07/10/2004

46C402A - Outline application for the demolition of the existing bungalow and the erection of 13 houses to include the closure of the existing vehicular access to Pendorlan and the improvement of the access to the cliff hotel to serve the development including the formation of a new pedestrian and cycle access at Pendorlan, Lon Isallt, Trearddur Bay APPROVED 02/10/2006

46C402B/DA - Detailed application for the erection of 13 houses to include the closure of the existing vehicular access to Pendorlan and the improvement of the access to the Cliff Hotel to serve the development including the formation of a new pedestrian and cycle access following demolition of the existing bungalow at Pendorlan, Lon Isallt, Trearddur Bay APPROVED 06/06/2012

46C402C - Full application for drainage works to serve the housing development approved under planning ref no 46C402A on land adjoining Pendorlan, Trearddur Bay - APPROVED 06/06/2012

46C402D - Full application for the erection of 13 houses to include the closure of the existing vehicular access to Pendorlan and the improvement of the access to Cliff Apartments to serve the development at Pendorlan, Lon Isallt, Trearddur Bay. APPROVED 08/12/2015

46C402E/DIS - Application to discharge conditions (03) (details of the external finishing materials of the buildings), (04) (details of all fencing, walling or other means of enclosure), (07) (measures to secure the future maintenance of the access and estate roads), (08) (future management and

maintenance of the drainage system serving the development) and (11) (details of the proposed site mitigation) from planning permission 46C402D (erection of 13 houses) at Pendorlan, Lon Isallt, Bae Trearddur Bay. Discharged 22/03/2017.

6. Main Planning Considerations

Background: Application reference 46C402D was approved on the 8/12/15 for the erection of 13 houses at Pendorlan, Lon Isallt, Trearddur Bay. The application was determined under delegated powers as being acceptable under policies prevailing at the time subject to Section 106 agreement providing 30% affordable housing.

Effect on surrounding properties – Planning permission was granted for housing development on the site in 2015 which comprised 13 houses in total. The applicant wishes to vary wording of highways and drainage conditions on the original permission. The general character of the scheme remains very much in keeping with the original consent.

Effect on the locality – The design of the proposal reflects the pattern of development in the vicinity and no adverse impacts will occur.

Policy Context: Policy TAI 5 requires housing development in Trearddur to be supplied as local market housing units in accordance with the criteria set within the policy. The development has not yet commenced, and a mix of open market and affordable housing units has been approved under the Ynys Mon Local plan policies. The proposal now under consideration involves amendments to wording of highways and drainage conditions as follows:

Condition (05) – request that the wording is amended so that the existing access is sealed prior to completion of the work instead of prior to commencement of work.

Condition (06) – request that the wording of the condition is amended and a phased condition of the estate road, carriageway and footway with phased 2 being complete by 01/03/2021.

It is considered that the wording of the condition should be worded as follows: 'Notwithstanding the submitted plan A(200)23 Rev A. No development shall take place until a scheme, including a phasing plan and timetable for proposed works, has been submitted to and approved in writing by the Local Planning Authority showing how the estate road shall be kerbed and the carriageway and footways finally surfaced and lighted'.

'The timetable shall show that the works for each phase shall be completed in accordance with the approved scheme before the next phase of works is begun and before any of the dwellings in the relevant phase are occupied. The final phase works shall be completed in accordance with the approved scheme before any of the dwellings in the relevant phase are occupied'.

Condition (09) – request that the wording of the condition is amended so that the drainage system is completed in a phase with phase 2 being complete by 01/03/2021 instead of prior to occupation of the dwellings.

It is considered that the condition should be worded as follows: Notwithstanding the submitted plan A(200)25 Rev A. No development shall take place until a scheme, including a phasing plan and timetable for proposed works, has been submitted to and approved in writing by the Local Planning Authority showing how the drainage system serving the site shall be installed and operational

'The timetable shall show that the works for each phase shall be completed in accordance with the approved scheme before the next phase of works is begun and before any of the dwellings in the relevant phase are occupied. The final phase works shall be completed in accordance with the approved scheme before any of the dwellings in the relevant phase are occupied.'

Condition (10) – request that the wording of the condition is amended to refer to drawing number 3966/1/A (200) 19A in accordance with condition (05).

Condition (10) links with condition (05) which refers to pedestrian/cycle access. The new condition will refer to drawing number 3966/1/A (200) 19A.

In relation to the closure of the existing access, it is necessary on highway safety grounds that it is permanently sealed by the construction of a stone wall to match the existing boundary walls in both colour and texture in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Whilst technically contrary to policy TAI 5, given the fallback position and given the length of time remaining on the previous permission it is not considered reasonable to require compliance.

7. Conclusion

The site has the benefit of full planning permission. The proposed amendment to the wording of the conditions are relatively minor in nature and the Highways Department and Drainage Department has confirmed they are satisfied with the new wording. Given the fallback position and the length of time remaining on the planning application, although contrary to the provisions of Policy TAI 5, the recommendation is to approve the application.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The recommendation takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

8. Recommendation

Permit subject to a Deed of Variation in relation to affordable housing.

(01) The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning Act 1990.

(02) Natural slates of uniform colour shall be used as the roofing material of the proposed buildings.

Reason: To ensure a satisfactory appearance of the development.

(03) The external finishing materials of the buildings shall be in accordance with details as submitted under covering letter reference A(600)03 Rev A dated 22/1/16 approved under application 46C402E/DIS. The development shall thereafter proceed in accordance with the details as approved.

Reason: To ensure a satisfactory appearance of the development.

(04) Fencing, walling and other means of enclosure or demarcation shall be in accordance with details submitted under reference A(200)18D, A(200)14, A(200)15, A(200)16 and A(200)17 approved under application 46C402E/DIS.

Reason: To ensure a satisfactory appearance of the development.

(05) The existing access marked A on the plan attached to this permission and currently serving the dwelling at Pendorlan (apart from the width required to provide pedestrian / cycle access the full details of which shall be agreed in writing with the local planning authority prior to the completion of the development) shall be permanently sealed by the construction of a stone wall to match the existing boundary walls in both colour and texture in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details. No use of this existing access shall be made for construction traffic.

Reason: In the interests of highway safety

(06) Notwithstanding the submitted plan A(200)23 Rev A. No development shall take place until a scheme, including a phasing plan and timetable for proposed works, has been submitted to and approved in writing by the Local Planning Authority showing how the estate road shall be kerbed and the carriageway and footways finally surfaced and lighted'.

'The timetable shall show that the works for each phase shall be completed in accordance with the approved scheme before the next phase of works is begun and before any of the dwellings in the relevant phase are occupied. The final phase works shall be completed in accordance with the approved scheme before any of the dwellings in the relevant phase are occupied'.

Reason: In the interests of amenity

(07) Securing the future maintenance of the access and estate roads shall be in accordance with details submitted under 46C402E/DIS. The scheme shall proceed in accordance with the approved details.

Reason: In the interests of amenity

(08) Securing the future management and maintenance of the drainage system serving the development shall be in accordance with details submitted from Gamlins solicitor dated 20/2/17 approved under 46C402E/DIS. The scheme shall thereafter proceed in accordance with the approved details.

Reason: To ensure that the development is satisfactorily drained.

(09) Notwithstanding the submitted plan A(200)25 Rev A. No development shall take place until a scheme, including a phasing plan and timetable for proposed works, has been submitted to and approved in writing by the Local Planning Authority showing how the drainage system serving the site shall be installed and operational.

'The timetable shall show that the works for each phase shall be completed in accordance with the approved scheme before the next phase of works is begun and before any of the dwellings in the relevant phase are occupied. The final phase works shall be completed in accordance with the approved scheme before any of the dwellings in the relevant phase are occupied'.

Reason: in the interests of amenity

(10) The existing garden area to the west of Pendorlan and outlined in red on the plan attached to this permission shall not be used for the parking or turning of vehicles or boats or for the erection of temporary or permanent buildings or structures, but shall be retained as a grassed area and shall at no time be hard landscaped other than that which is necessary to allow for pedestrian and / or cycle access as approved under drawing 3966/1/A(200)19A in accordance with condition 05 above.

Reason: In the interests of visual amenity

(11) The development shall take place in accordance with the Cliff Apartments and Pendorlan Sites Badger Activity Survey July 2014 and Badger Mitigation report received by Enfys ecology dated 18th March 2016 received with application 46C402E/DIS. The scheme shall thereafter proceed in accordance with the approved details.

Reason: To protect badgers on the site

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

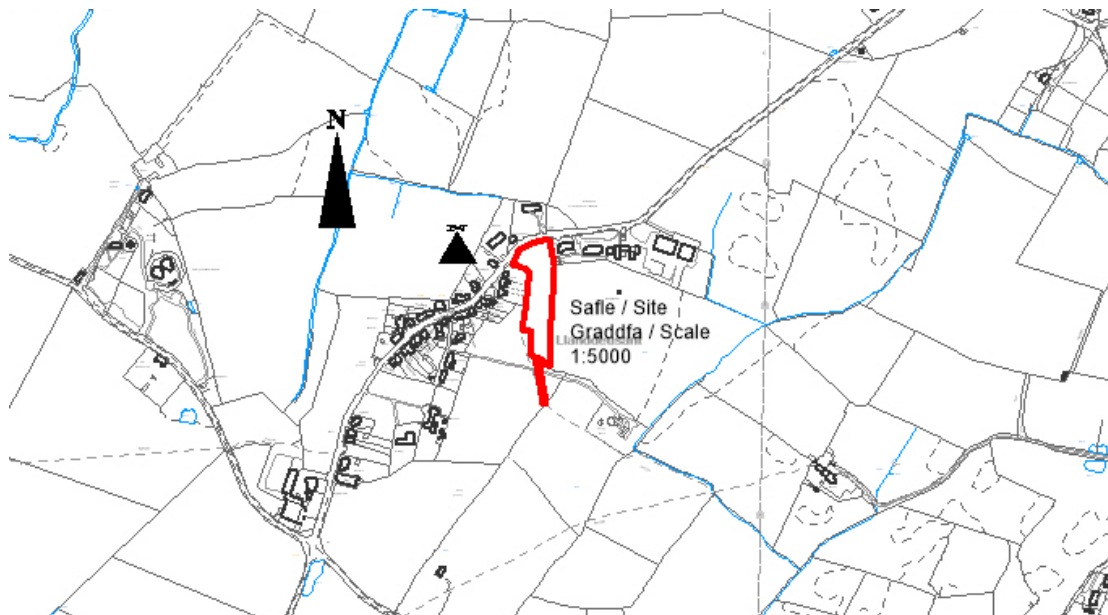
Rhif y Cais: **47C149B/VAR** Application Number

Ymgeisydd Applicant

Mr Mark Blackwell

Cais o dan Adran 73A i ddiwygio amodau (02) (defnydd allanol), (04) (cynllun draenio), (05) (cynnal a chadw ffordd y stad a'r system draenio), (07) (manylion mynedfa), (09) (llygredd), (10) (gwaith coed a gwyrchoedd) a (11) (rhaglen o waith archeolegol) o caniatâd cynllunio rhif 47C149 (ddymchwel rhan o'r ysgol presennol, newid defnydd yr ysgol i swyddfa, codi 10 annedd ynghyd a chreu mynedfa newydd i gerbydau) er mwyn cyflwyno'r gwybodaeth ar ôl i waith ddechrau ar y safle yn / Application under Section 73A for the variation of conditions (02) (external materials), (04) (drainage scheme), (05) (future maintenance of the estate road and drainage), (07) (access details), (09) (access details), (10) (tree and hedge works) and (11) (programme of archaeological works) of planning permission reference 47C149 (part demolition of existing school, change of use from school to office, the erection of 10 dwellings and new vehicular access) so as to submit the details after works have commenced on site at

Hen Ysgol Gynradd Llanddeusant, Llanddeusant



Planning Committee: 04/04/2018

Report of Head of Regulation and Economic Development Service (DPJ)

Recommendation:

Permit

Reason for Reporting to Committee:

The planning application is a departure from the development plan which the Local Planning Authority (hereinafter referred to as Local Planning Authority) are minded to approve.

1. Proposal and Site

Planning permission 47C149 was granted on 28.07.2017 for the following:

1. Alterations to the school building and change of use to offices.
2. Erection of 10 dwellings on the former playing fields.

Part 1. of the proposal has now been completed and is occupied, and part 2. of the development is under construction. There are number of planning conditions needing to be approved prior to the commencement of the development which were not discharged and the intention of this planning application under section 73A of the Town and Country Planning Act 1990 (as amended) is to regularise the position by submitting information required under these conditions. The proposed development is currently in breach of the following planning conditions which required prior approval in writing by the LPA prior to the commencement of the development:

(02) No development shall take place until samples of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason To ensure a satisfactory appearance of the development.

(04) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the local planning authority. The development shall proceed in accordance with the approved details unless the local planning authority gives its written consent to any variation. None of the dwellings hereby approved shall be occupied until the drainage systems for the site have been completed and are operational.

Reason In the interests of residential amenity and to ensure that the site is adequately drained.

(05) No development shall commence until measures are in place to secure the future maintenance of the estate road and drainage in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason To comply with the requirements of the highway authority, in the interests of safety and amenity to ensure that there is safe and convenient access to the properties it serves.

(07) A visibility splay of 2.4m (x-distance) x 40m (y-distance) to the left and right of the proposed access estate road junction with the public highway shall be provided and nothing exceeding 1 metre in height above the level of the adjoining carriageway shall be permitted within the vision splays at any time and they shall be available before any dwelling is occupied and thereafter be retained solely for that purpose. No development shall commence until details of the access have been submitted to an approved in writing by the local planning authority.

Note: where necessary, the existing boundary wall shall be reduced in height to comply with this condition.

Reason To comply with the requirements of the Highway Authority, to ensure there is adequate inter-visibility between traffic at the junction, in the interest of highway safety.

(09) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development, any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority.

The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason: In the interests of amenity.

(10) No development shall commence until a method statement for the development of the site including tree and hedge works and works for the conversion of the school, including a timetable for the works, has been submitted to and approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details.

Reason: To safeguard any protected species which may be present on the site.

(11) No development (including any groundworks or site clearance) shall take place until a specification for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out and all archaeological work completed in strict accordance with the approved specification. A detailed report on the said archaeological work shall be submitted to and approved in writing by the local planning authority shall be submitted to and approved after the completion of the archaeological field work and before any use is made of the site for holiday purposes.

Reason: To ensure the implementation of an appropriate programme of archaeological mitigation.

2. Key Issue(s)

- Compliance development plan policies in relation to the conversion of existing buildings in the countryside to a residential use.
- Lawfulness of the development implemented.

3. Main Policies

Anglesey and Gwynedd Joint Local Development Plan (2017) “JLDP”

PS 1: Welsh Language and Culture

ISA 1: Infrastructure Contribution

ISA 4: Safeguarding Existing Open Space

ISA 5: Provision of New Open Space in New Housing Developments

TRA 2: Parking Standards

PS 5: Sustainable Development
PCYFF 1: Development Boundaries
PCYFF 2: Development Criteria
PCYFF 3: Design and Place Shaping
PCYFF 4: Design and Landscaping
PCYFF 6: Water Conservation
PS 17: Settlement Strategy
CYF 6: Reuse and Conversion of Rural Buildings, Use of Residential Properties or New Build Units for Business/Industrial Use.
PS 18: Affordable Housing
AMG 3: Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character
AMG 5: Local Biodiversity Conservation
PS 20: Preservation and Where Appropriate Enhancing Heritage Assets
AT 3: Locally or Regionally Significant Non Designated Heritage Assets

Planning Policy Wales Edition 9 (Edition 9, November 2016)

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note 5, Nature Conservation and Planning (2009)

Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)

Supplementary Planning Guidance: Design in the Urban and Rural Built Environment (2008).

4. Response to Consultation and Publicity

Local Member – No response received at the time of writing.

Community Council – The part demolition of the existing school building and its change of use to an office is accepted. In relation to the proposal for 10 dwellings this is accepted with reservations and it is asked whether a site visit would be advisable. Concern is expressed regarding highway safety given the number of traffic movements and it is suggested that more detailed surveys are necessary as to the potential impact on the local highway network as well as the safety of the visibility splay of the proposed entrance. In addition it is stated there is a need for a plan of landscaping and boundary treatment to be undertaken prior to the occupation of the development in order to safeguard the privacy of existing residents.

Highways – In relation to the conditions the following comments are made:

(04) (Drainage Scheme) The surface water drainage scheme has been discussed as part of s38 agreement.

(05) (Future Maintenance of the Estate Road and Drainage) We are in discussion regarding a S38 Adoption Agreement for the adoption of the road and associated surface water drainage system. The Agreement is not yet in place. The condition cannot be discharged until the Agreement has been signed.

Footpaths Officer – Public footpath no 1 Tref Alaw as recorded on the definitive map crosses the development area. However, it is believed that this is wrongly recorded and that it in fact follows a different route. A Definitive Map Modification Order will be instigated to correct this error.

Further comments awaited at the time of writing.

Drainage – A management and maintenance plan in relation to communal elements of the surface water system is requested.

Environmental Health Officer – Comments made in relation to matters which could potentially cause nuisance, rock breaking, hours of operation and so on. At the time of writing further

comments have been requested specifically on the contaminated report submitted to regularise the position as regards condition (09) Contaminated land.

Gwynedd Archaeological Planning Service "GAPS" - No objection to the proposed variation to the wording of Condition 11. GAPS received and approved the WSI by "Brython" before they attended site and therefore the archaeological works to date have been compliant with planning requirements. GAPS are yet to receive a report on the work.

Ecological Advisor – Concerns were initially expressed that the Methodology Statement submitted under condition (10) did not meet the requirements. Following the information submitted (Llanddeusant Works Report for DU Construction, Kehoe Countryside Ltd, 22/05/2017) it is noted that the report confirms that there were no nesting birds present, nor signs of bats in the trees on site at the time of the survey. As such the indication is that there were no breaches of wildlife legislation though the information was not provided prior to the development taking place.

Joint Planning Policy Unit – Material planning policies and in relation to the residential element of the proposal it is explained that the proposal is not in compliance with policy but that the weight to be attributed to the extant consent is matter for the decision maker.

Welsh Water – Conditional permission recommended requiring the submission of a drainage scheme.

Natural Resources Wales – No comments. In further comments it is stated that the information submitted (Llanddeusant Works Report for DU Construction, Kehoe Countryside Ltd, 22/05/2017) regarding an inspection prior to felling and dismantling of trees under condition (10) found no features suitable for roosting bats.

The planning application was advertised by way of neighbour notification letter and a press notice was published. The publicity period expired on 08.12.17.
No representations have been received at the time of writing.

5. Relevant Planning History

47LPA966/CC: Outline application for residential development together with demolition of the former school on land at Ysgol Gynradd Llanddeusant – Approved 03/10/2013.

47C149 Full planning application for the part demolition of the existing school, change of use of school into an office (Class B1), the erection of 10 dwellings together with the creation of a new vehicular access, conditionally approved 28.07.17.

47C149A/AD Application for the siting of 3 non-illuminated signs, conditionally approved 03.08.17.

47C149 Full application for part demolition of the existing school, change of use of school into an office (Class B1), the erection of 10 dwellings together with the creation of a new vehicular access - Conditionally approved 28.07.2017.

6. Main Planning Considerations

Introduction – The application site subject to this application is located in the countryside under the provisions of PCYFF 1 of the JLDP. As described below there has been a change in development plan policies since approval of planning permission 47C149.

Principle of the Development – Planning permission (47C149) was granted for the change of use of the school to an office and for the erection of 10 dwellings on 28.07.17, these elements of the proposal are assessed separately below.

Under the former development plan the application site was within the settlement boundary of Llanddeusant and the material planning policies permitted the conversion of existing buildings to an office use subject to the listed criteria. The JLDP was adopted on 31.07.17 and under the

provisions of this plan Llanddeusant is not identified as a settlement and the application site is located in the countryside under the provisions of PCYFF 1.

Policy CYF 6 of the JLDP still permits the conversion of buildings in the countryside to an employment use such as an office subject to the listed criteria being complied with and this element of the proposal is thus still acceptable in principle.

Being within the settlement boundary of Llanddeusant the material planning policies in the former development plan permitted residential development of the application site subject to affordable requirements which are considered further below. As Llanddeusant and the application site are now located in the countryside under the JLDP the principle of residential development is now not acceptable. The application has been advertised as a departure to the current development plan for this reason and is being reported to the planning committee because the LPA are recommending approval.

In addition there are other policies in the JLDP which are now applicable in relation to Affordable Housing (TAI 8), (ISA 4) Safeguarding Existing Open Space, Open Space Provision (ISA 5) and Water Conservation (PCYFF 6) and the proposal is assessed in relation to these provisions following consideration of the fall-back position below.

As explained in the introduction of this report the development has commenced within the statutory time period but is currently in breach of the listed planning conditions. Given that the proposal does not comply with the JLDP as described above it can only be considered acceptable if the planning permission 47C149 has been lawfully implemented and there then remains what is termed a "fall-back position" whereby the permission remains extant. To determine whether the development implemented is lawful requires consideration of various planning case law from which the following points can be derived and applied sequentially:

1. Is it a pre-condition to lawful development and if so, has it been complied with;
2. If it has not been complied with, can the developer bring himself within one of the recognised exceptions in case law such as if the breached condition is not central to the development non-compliance does not render the development unlawful.
3. Would a decision to initiate enforcement be judicially reviewable e.g. because it would be irrational or an abuse of power.

In terms of the first criterion planning conditions (02) (external materials), (04) (foul and surface water drainage), (05) (maintenance of estate roads), (07) (visibility splays), (09) (contaminated land), (10) (method statement hedge works) and (11) (archaeology) are all conditions precedent which have not been complied with.

Moving on to criterion 2. conditions (02) (external materials), (05) (maintenance of estate roads) and (10) (method statement hedge works) are not considered central to the development approved such that non-compliance would render the development unlawful.

In relation to the third criterion as regards conditions (04) (foul and surface water drainage), (07) (visibility splays) and (11) (archaeology) sufficient details have been submitted to effectively discharge these conditions (which is also the case with the other conditions) and as can be seen from the consultation section of this report all the relevant drainage consultees are satisfied. Condition (07) in relation to highways is considered in further detail below. It would therefore not be expedient to instigate enforcement action.

To sum up therefore it is considered that planning permission 47C149 has been lawfully implemented and is extant as there thus remains a "fall-back position". The proposal subject to this report can be considered acceptable notwithstanding the fact that it is now located in the countryside under the current development plan where such new housing developments are not permitted.

As planning permission 47C149 remains extant the principle of development of the school grounds and playing fields has been established notwithstanding the provisions of ISA 4 which can be applied to protect such areas where the criteria apply. Similarly it is not possible to require a Welsh

Language Statement under policy PS 1, open space provision in accord with policy ISA 5 or a water conservation statement (PCYFF 6).

The extant planning permission was approved subject to a legal agreement requiring 3 affordable housing unit (30%) under the former development plan, and given the evidence of need supplied by the council's Housing Services this is considered to be applicable to the current application and a variation of the existing legal agreement will be necessary so that it is made to the application subject to this report.

Access - Planning permission 47C149 was granted subject to planning condition (07) that required that details of the proposed visibility splays which provide unimpeded vision for drivers either side of the vehicular access of the development with the public highway were provided prior to the commencement of the development. As explained previously these details were not provided and the development is in breach of this planning condition. These details have now been submitted with the application subject to this report and as detailed in the consultation section of the report these details are acceptable subject to the planning conditions recommended.

At the time of writing an amended plan illustrating minor changes to the vehicular access and the requisite visibility splays is being considered. The plan will be notified to neighbours and the views of the Highways section obtained and the recommendation requests that delegated powers are granted on these matters.

Landscaping – Condition (03) of planning permission 47C149 though not a condition precedent required details of landscaping, fencing and so on to be approved in writing by the LPA. As these details have not been submitted with the planning application a planning condition has been attached requiring submission and approval of these details.

7. Conclusion

Given the extant planning permission although the residential part of the proposal now comprises a departure from the development plan which would not normally be acceptable it is recommended for approval because planning permission 47C149 remains extant.

In terms of the Well-being of Future Generations (Wales) Act 2015 it is considered that the proposed development contribute towards a more prosperous and resilient Wales in terms of the economic improvements that would accrue as part of the development.

The recommendation considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The recommendation takes into account the ways of working set out at section 5 of the WCFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

8. Recommendation

That planning permission is granted under section 73A subject to a deed of variation being completed in relation to the legal agreement dated 07.07.17 and completed in connection with planning permission 47C149 so that it relates to the application subject to this report. Thereafter that planning permission is granted subject to the following planning conditions:

(01) The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Drawing	Reference	Revision
Site Location Plan	A.00.1	

Existing Layout	12515 EL (--) 01	
Extent Demolition	12515 EL (--) 03	
Site Topo Survey	A.00.2	
Proposed Visibility Splay at Entrance (2.0m Set Back)	EL (92) 05	B
Proposed Road 1 Highway Long Sections & Cross Sections	EA (92) 01	B
Proposed Road 2 Highway Long Sections & Cross Sections	EA (92) 01	C
Drainage Long Sections Sheet 1 of 2	EA (95) 01	D
Drainage Long Sections Sheet 2 of 2	EA (95) 02	B
Proposed Highway Setting Out Layout	EL (92) 01	F
Proposed Highway Construction Details	EA (92) 03	
Proposed Section 38 Highway and Drainage Adoption Layout	EL (95) 03	D
Proposed Surfacing, Kerbing & White Lining Layout	EL (94) 01	C
Proposed Section 104 Drainage Layout	EL (95) 01	I
531 Houses	A.02.1	
421 Houses	A.03.1	
Proposed Drainage Details Sheet 1 of 2	EA (95) 03	
Proposed Drainage Details Sheet 2 of 2	EA (95) 04	
Llanddeusant Works Report (Kehoe Countryside Ltd) 22.05.2017.		
Written Scheme of Investigation for Archaeological Watching Brief Ysgol Llanddeusant (Brython Archaeology) July 2017	B1704.01.01	
Method Statement (DU Construction Ltd)		

Reason: To ensure that the development is implemented in accord with the approved details.

(02) The development shall proceed in accordance with the drainage details hereby approved. None of the dwellings hereby approved shall be occupied until the drainage systems for the site has been completed and is fully operational.

Reason: In the interests of residential amenity and to ensure that the site is adequately drained.

Reason: To ensure a satisfactory appearance of the development.

(03) Within 1 month of the date of the planning permission hereby approved detailed design & construction details of the proposed surface water drainage system shall be submitted to the Local Planning Authority for its written approval and the development shall thereafter proceed in accordance with the details approved under the provisions of this condition before any of the dwellings are occupied.

Reason: To ensure that the site is adequately drained.

(04) Within 1 month of the date of the planning permission hereby approved detailed design and construction details of the proposed estate road including a street lighting system shall be submitted to the Local Planning Authority for its written approval. The details to be submitted shall include a timetable for the carrying out of the works and the development shall thereafter proceed in accordance with the details approved under the provisions of this condition and before any of the dwellings are occupied.

Reason: In the interests of highway safety.

(05) Within 1 month of the date of the planning permission hereby approved a Management and Maintenance Plan for the estate road and surface water drainage system and a timetable for the carrying out of these measures shall be submitted to the Local Planning Authority for its written approval. The development shall thereafter proceed and be maintained in accordance with the Management and Maintenance Plan approved under the provisions of this condition.

Reason: To ensure that the site has an adequately functioning drainage system and in the interests of highway safety.

(06) The car parking accommodation for each dwelling shall be completed in full accordance with the details as approved before that dwelling is occupied and shall thereafter be retained solely for those purposes.

Reason: In the interests of highway safety.

(07) Within 1 month of the date of the planning permission hereby approved a Construction Traffic Management Plan "CTMP" shall be submitted to the Local Planning Authority for its written approval. The Plan shall include as a minimum, but not limited to:

- i) The type size and number and the routing to and from the site of construction vehicles, plant and deliveries**
- ii) The parking of vehicles for site operatives and visitors**
- iii) Loading and unloading of plant and materials**
- iv) Storage of plant and materials**
- v) Wheel washing facilities or similar measures to prevent mud and debris being carried onto the highway**
- vi) A pre-start condition survey of the highway in the vicinity of the site**

The applicant shall ensure that the requirements of the approved Plan shall be adhered to throughout the construction of the development hereby approved.

Reason: To ensure reasonable and proper control is exercised over construction activities in the interests of amenity and highway safety.

(08) None of the dwellings hereby approved shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 1 metres in height above the nearside channel level of the carriageway.

Reason To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(09) Within 3 months of the planning permission hereby approved full details of the landscaping of the site and all fencing, walling and other means of enclosure shall be submitted for the written approval of the Local Planning Authority. The details to be submitted under the provisions of this condition shall include landscaping along the western boundary of the application site.

Reason In the interest of the amenities of the locality.

(10) Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason In the interest of the amenities of the locality.

(11) The development hereby approved shall be carried out and all archaeological work completed in strict accordance with the approve specification (Written Scheme of Investigation for Archaeological Watching Brief Ysgol Llanddeusant (Brython Archaeology) July 2017).

Reason To ensure the implementation of an appropriate programme of archaeological mitigation.

Informatives

1. This decision notice does not confer any consent under relevant highway legislation. The written consent of the highway authority under the Highways Act 1980 and/or the new Roads and Street Works Act 1991 will be required in respect of any works within the highway to connect the proposed estate road to the highway maintainable at public expense. Note: it is a criminal offence to carry out any unlicensed or unauthorized work on the highway. As part of the consenting process, it may be necessary to provide additional detail and/or carry out additional works within the highway over and above that shown on approved planning permission plans in order to fully comply with the highway authority's requirements.
2. The Highway Authority shall not be responsible for any road surface water entering the site as the result of the development. It is the developer's responsibility to ensure that adequate measures are in place to deal with surface water and to drain the site effectively.
3. Any adjustments, re-siting and/or protection of any statutory services and/or street furniture within the highway that may be necessary as a consequence of the development hereby approved shall be the applicant's responsibility and shall be carried out at his own expense. Where any apparatus or street furniture is owned by the highway authority, any adjustment, replacement or protection of that apparatus may be carried out by the highway authority at the applicant's expense.
4. Street naming and numbering is a legal function of the Council, to allocate property numbers and road names to new developments and conversions. Information is available on our website to explain the process for requesting postal addresses and street names, which can be accessed via the following link: <http://www.anglesey.gov.uk/transport-and-roads/roads-highways-and-pavements/street-naming-and-property-numbering/>
5. The Highway Authority reserves the right to utilise Section 59 of the Highways Act 1980 "Recovery of expenses due to extraordinary traffic" as deemed necessary, to recover its costs in connection with any damage done to the public highway as a result of construction of the development.

6. Where a planning condition requires the submission and approval of a Management and Maintenance Plan, such a condition can normally only be discharged upon production of evidence of a completed signed & sealed Adoption Agreement or evidence that an incorporated Management Company has been formed. Where a new estate road is intended to be adopted by the highway authority, the applicant is advised to apply for the necessary adoption agreement under Section 38 of the Highways Act 1980 at the earliest opportunity. The highway authority will not be responsible for any delays to the developer's project or their failure to comply with such a condition as a result of a late application for the necessary agreement(s).
7. Attach Public Rights of Way memo 04.12.18.

In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.