

Isle of Anglesey County Council
Regulation and Economic Development Service
Council Offices,
Llangefni,
LL77 7TW

One Glass Wharf
Bristol BS2 0ZX
Tel: +44 (0)117 939 2000
Fax: +44 (0)117 902 4400
email@burgess-salmon.com
www.burgess-salmon.com
DX 7829 Bristol

Direct Line: +44 (0) 117 902 2740
patrick.robinson@burgess-salmon.com

Our ref: PR01/DW06/38964.102/ROBIN

Your ref: Land and Lakes

28 March 2023

When telephoning please ask for: Patrick Robinson

Dear Isle of Anglesey County Council

Land and Lakes Implementation

1 Background

1.1 The Council is presently engaged in considering the adequacy of steps taken to discharge s106 agreement obligations in relation to the Penrhos, Cae Glas and Kingsland site by Land and Lakes (“LL”). At the same time as doing so questions have been raised by and on behalf of interested parties over the lawfulness of the works undertaken to implement the planning permission for the development (reference 46C427K/TR/EIA/CON – the “**Permission**”). We have been asked to advise on those questions, and will do so by addressing whether:

- (a) the works of implementation undertaken are “**material operations**” for the purposes of section 56(4) Town and Country Planning Act 1990 (“**TCPA**”) and so are adequate to implement the Permission;
- (b) the nature of Condition 30, in its operation as a Condition Precedent, means that a failure to discharge conditions prior to the deadline in Condition 4 will result in subsequent works being made unlawful and incapable of implementing the permission; and
- (c) the actions taken in respect of the Bailiff’s Tower are sufficient to institute a change of use.

1.2 For the reasons given below we confirm as correct what we understand to be the Council’s stated position to date, namely that there has been lawful implementation of the Permission.

2 The Permission and Approvals Granted

2.1 In providing this advice, it will help if we highlight that the following conditions in the Permission are important:

1. The development hereby approved under this planning permission may be delivered on a phased basis and applications to the Local Planning Authority for the approval of the appearance, landscaping, layout and scale (hereafter called the “**Reserved Matters**”) in respect of a Phase or any component parts of the development shall be carried out in conformity with the approved Phasing Plan(s).

2. No development of any Phase or component part of the development shall commence until the Reserved Matters in respect of that Phase or component part of the development has been approved in writing by the Local Planning Authority.

WORK48100189/v.1

4. The development hereby permitted shall commence no later than whichever is the later of the following dates:

- (a) the expiration of 5 years from the date of the grant of this permission; or
- (b) the expiration of 2 years from the date of the approval of the first Reserved Matters Application ("**RMA**") to be approved.

5: No development shall commence until a Phasing Plan for each Phase of the development has been submitted to the Local Planning Authority and approved by it in writing. The Phasing Plan shall provide a timetable for the sequential implementation, completion and occupation/use of all areas and component parts of the Phase together with detail of the location of all associated facilities, services, roads, landscaping and any other associated elements. The development shall be carried out in accordance with the provisions of the approved Phasing Plan.

30. No Phase or component part of the development shall commence until full details of all proposed electrical, telecommunications, gas and other services for that Phase or component part of the development have been submitted to and approved in writing by the Local Planning Authority. No development of the Phase or component part of the development shall commence until the detail under this Condition has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the detail approved by the Local Planning Authority under this Condition.

70. The change of use hereby permitted shall commence before the expiration of five years from the date of this planning permission.

71. The change of use hereby permitted shall only commence following the implementation of the first RMA approval in respect of the Penrhos Phase of the development. The change of use hereby permitted shall thereafter only be used on an ancillary basis to the holiday leisure village together with other ancillary uses approved under the provision of [the Permission].

2.2 It is also important to note that in the Permission, the term "**Phase**" is defined as meaning one of nine identified phases, of which one is "**the Penrhos Phase**", defined as:

"...a leisure village comprising up to 500 new leisure units and associated development as described in the planning application hereby approved on land delineated with green hatching on the plan enclosed as Appendix 1 to this decision notice."

2.3 No definition is provided of the term "**component part of the development**" nor of the term "**component part(s) of the Phase**" with both formulations being used interchangeably.

2.4 It is also relevant that the first RMA under the Permission was approved on 7 August 2020 under reference RM/2018/6 (the "**First RMA**"), described as:

Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publicly accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead.

2.5 A Conditions Discharge Application ("**CDA**") was also approved on 1 April 2021 under reference DIS-2020-92 (the "**DisC**"), pursuant to which the Council approved a Phasing Plan under Condition 5, comprising:

- (a) a plan (drawing no PL1114.1-PLA-00-XX-DR-L-0006 Phasing Plan) which divided the Penrhos Phase as defined by the Permission into four, and

- (b) a table entitled “**Appendix A2 part A (rev A) Penrhos Leisure Village - Proposed Delivery Programme - December 2020**” by which it was indicated, by reference to quarters of the years 2021-2026, when the various phases identified in the Phasing Plan would come forward for RMA approval, commencement of development, and occupation. In respect of a phase entitled “**Penrhos Coastal Park**”, reference was made to “**Reserved Matters Development / Submission / Approval**” having been “approved 7 August 2020”, being a reference to the First RMA.

- 2.6 Under the CDA, the Council also discharged Conditions 7, 14, 17, 18, 25, 32, 33, 34, 35, 38, 40, 44, 45, 48, 50, 51, 52, 54, 55, 56, 66 and 68. The DisC notice recorded the application for discharge of those conditions, as well as Condition 5 as being “*insofar as they relate to reserved matters application RM/2018/6*” (i.e. the First RMA).
- 2.7 On 16 June 2021, the Council approved a further CDA under the reference DIS-2021-33 (the “**Further DisC**”). This comprised a scheme for access, parking, turning, loading and unloading pursuant to Condition 73.
- 2.8 No application has been made to date for the discharge of Condition 30.

3 Works in commencement of development

- 3.1 In April 2021 LL submitted a report to the Council stating that works have commenced at Penrhos Coastal Park prior to 19 April 2021, within 5 years of the grant of Permission as required under Condition 4 (although the correct date is later under Condition 4, namely 2 years from approval of the First RMA).
- 3.2 The report referred to works to install a section of pathway at the Penrhos Coastal Park, some 15 m in length comprising, in part, a compacted stone path with timber edging, with some 5 m comprising a raised wooden walkway. The photographs in the LL report relate to a period between 24 March and 2 April 2021.
- 3.3 The First RMA encompassed detailed proposals for managed walkways and approved the Design and Management Guide (dated 16 February 2020) (the “**DMG**”) which set out details of them (as envisaged also under Condition 61). Although the description in the First RMA refers explicitly to raised boardwalk footways and works to trees, that is expressed to be “*including*” such details, rather than excluding other walkways from the ambit of the approval, to which the approved plans relate (see, e.g para. 2.4 of the DMG). The pathway that has been constructed appears to be referable to the new permissive tertiary route shown on p. 12 of the DMG.
- 3.4 The DisC was on 1 April 2021. Whether the pathway works carried out prior to this date can lawfully implement the development, we return to below.

4 Change of use of the Bailiff’s Tower

- 4.1 Section C of the Permission sets out four conditions in respect of the full permission for the change of use for the Bailiff’s Tower and other outbuildings at Penrhos Home Farm: from a cricket clubhouse to a visitors’ information centre, restaurant, café, bars and retail. It falls within the physical area of the Penrhos Phase. The conditions in section A (for the outline elements) of the Permission do not apply to section C (which granted full planning permission).
- 4.2 LL provided to the Council a separate report in April 2021 dealing with the change of use of the Bailiff’s Tower. That report states that the 4 conditions contained in section C have been complied with:
- (a) Condition 70 in so far as the change of use occurred prior to 19 April 2021;
- (b) Condition 71 in so far as the First RMA have been implemented;

- (c) Condition 72 in so far as the change of use accords with the approved uses; and
- (d) Condition 73 “through submission of a scheme for access, parking, turning, loading and unloading as part of the application to discharge Change of Use conditions”.

It is noted that “As this scheme applies to six existing buildings which are already served by adequate access roadway, adjoining parking, turning and loading/unloading areas, approval of this scheme requires no subsequent works.”

- 4.3 The report states that the building was already suitable for use as a visitor information centre, requiring only internal decoration and refurnishing. The works carried out comprised cleaning, painting, filling, decoration, installation of a carpet, signage, table and chairs - of which photographs are provided. However the then Covid restrictions did not allow the public to visit, so the centre could not be accessed by the public, and it is understood that this situation prevailed until and beyond the date for implementation of the permission. The Council does not have information on whether it was occupied for the authorised use after that point.

5 Legal principles on compliance with conditions

- 5.1 Development in breach of condition is unlawful (section 171A TCPA), and it follows that, if there is a condition that must be fulfilled before any material operation capable of implementing a planning permission is undertaken, and development commences without the fulfilment of that condition, the development has been undertaken unlawfully and the planning permission has not been implemented (*Whitley & Sons Ltd v Secretary of State for Wales* [1992] 64 P&CR 296).
- 5.2 As explained in *Meisels v Secretary of State for Housing Communities and Local Government* [2019] EHC 1987 (Admin) at [17] however, the statutory scheme clearly differentiates, in section 171A TCPA, between (a) carrying out development without planning permission; and (b) breach of condition (“it follows that not every breach of condition can have the effect that development has been carried out without planning permission”).
- 5.3 A breach of condition will only have that effect if it is one which:
- (a) Properly construed (applying the principles in *Trump International Golf Club Scotland Limited v Scottish Ministers* (Scotland) [2015] UKSC 74 (esp. [33]-[34] and [66]) and *Lambeth v Secretary of State for Housing Communities and Local Government* [2019] UKSC 33 (esp. [15]-[19])) is intended to prevent the commencement of work (or make it unlawful) prior to the fulfilment of its requirements (i.e. a “**Condition Precedent**”).

In this regard, the Court of Appeal in *Greyfort Properties Ltd v Secretary of State for Communities and Local Government* [2011] EWCA Civ 908 at [30]-[33] emphasised that both wording to require a step to be undertaken before the commencement of development (“*Prior to development being carried out...*”) and wording that expressly prohibited works being carried out until such a step had been taken (“*No development shall be carried out...*”) are, in principle, apt to impose an express prohibition on the commencement of development before submission and approval of reserved matters.

- (b) “**Goes to the heart of the planning permission**” (*R (on the application of Hart Aggregates Ltd) v Hartlepool BC* [2005] EWHC 840 (Admin) at [61]; cf [67]).

The High Court provided further guidance as to what a condition which goes to the heart of a planning permission is in *Meisels* at [18]-[19]: it is one which “*is a condition going beyond the detail of a matter that is agreed in principle; it is, instead, something without which the authority would not be content to permit the development at all*”. Moreover, whether or not a specific

condition is such a condition can only be answered “by a fact-sensitive enquiry into the terms of the condition in the context of the permission, and the permission in its planning context”.

This consideration can be seen to arise from Sullivan J’s concern in *Hart* at [67] to differentiate between situations at two ends of a scale, in which on the one hand it is claimed that implementation of a fully outline permission has been achieved without any of the reserved matters being approved; and on the other, the situation where there is a full planning permission and the failure is limited to a failure to obtain approval for one particular aspect of the development.

- 5.4 The Whitley principle is subject to a number of exceptions, the common basis for which was considered in *R (Hammerton) v London Underground* [2002] EWHC 2307 (Admin) per Ouseley J at [127] (approved by the Court of Appeal in *R (Prokopp) v London Underground Ltd* [2004] Env. L.R. 8 at [85]) to be:

“where it would be unlawful, in accordance with public law principles, notably irrationality or abuse of power, for a local planning authority to take enforcement action to prevent development proceeding, the development albeit in breach of planning control is nevertheless effective to commence development.” and at [131] that “it would be insufficient to show that the authorities were indifferent to the breach, or unlikely to take enforcement action or indeed that they had decided not to (although no concluded view is required). It is necessary to conclude that they could not do so.”

6 Condition 30

- 6.1 “The starting point...is to consider what is meant by the words of the condition”: *Meisels* at [14] and [17]; and *Hammerton* at [58] to [63]. When addressing this first issue, the condition must be read according to its natural and ordinary meaning and in the context of the Permission as a whole: “the planning permission and its conditions must be construed as a whole and as a “reasonable reader” would”: *Menston Action Group v City of Bradford* [2016] EWCA Civ 796 at [11]; see also *Trump* (above).
- 6.2 The Permission in its outline elements creates an architecture for the sequential submission of applications for approval of reserved matters and the discharge of conditions. Condition 2 is the key condition in respect of the outline part of the Permission. Condition 2 draws a distinction between, on the one hand RMAs in respect of a Phase (as defined in the Permission) and RMAs in respect of a “component part of the development”. There is nothing in that condition, or in Condition 30 which also draws this same distinction, that requires RMAs only to be sought on a ‘Phase-by-Phase’ basis.
- 6.3 The phrase “component part of the development” is not defined in the Permission, but the natural and ordinary meaning of these words is any identifiable, discrete part of the development which is not an entire Phase as identified in the Permission. The Permission therefore expressly envisages that an RMA can be approved as opposed to obtaining RMA approval for an entire phase.
- 6.4 The application underpinning the First RMA was an application for reserved matters for a component part of the development.
- 6.5 Condition 30 itself contains an express restriction on development unless its requirements are satisfied: “No Phase or component part of the development shall commence...” which is the language of a Condition Precedent. However, given the context of the overall architecture of the conditions, which draws a distinction between a Phase and a component part of the development, the correct interpretation of this condition is that where RMAs is sought for a component part of the development which envisages or requires electrical, telecommunications, gas and other services, the condition only requires that, before the commencement of that component, details of the services proposed “for that component part” be submitted and approved.

- 6.6 If there is a component part of the development for which there are no “*proposed electrical, telecommunications, gas and other services*”, then Condition 30 cannot bite on it to require submission of details, because there are no details to submit. Where there are no details to submit they cannot be approved, and the development cannot be carried out strictly in accordance with those details. On that basis, nothing in Condition 30 would render unlawful works to commence a component part of the development for which there are no proposed services.
- 6.7 As such, there is no breach of Condition 30 because the Permission can be implemented by works which do not fall within its scope – ie works comprising a component part of the development which has been approved and which do not propose any services.
- 6.8 Whilst it isn’t necessary to go beyond that finding of compliance, if the question is posed whether Condition 30 is a Condition Precedent in the sense that it “*goes to the heart of the permission*” having regard to the reason for the condition and the planning implications of non-compliance (*Meisels* [19]) as nothing in the works approved under the First RMA would permit any operational development requiring services, non-compliance in any event would not go to the heart of the Permission.

7 The pathway works

- 7.1 The question has been raised whether the pathway works fall within section 56(4)(d) TCPA 1990 as being “*any operation in the course of laying out or constructing a road or part of a road*”. The works can be so described.
- 7.2 “**Road**” is not defined in the legislation. The most recent Oxford English Dictionary (“**OED**”) (1989, 2nd edition) refers not only to “*an ordinary line of communication used by persons passing between different places, usually one wide enough to admit of the passage of vehicles as well as of horses or travellers on foot*” but also “*any way, path or (material) course.*” The Shorter OED in earlier editions includes definitions which do not relate only to where vehicles are used, eg “*an ordinary line of communication between defined places used by horses, travellers on foot or vehicles*” and, separately, “*any path or way.*” Despite the references to vehicles there is no reason why it cannot be given a broader meaning in circumstances where there is a specially prepared surface. The dimensions and length of the pathway are substantial, particularly having regard to cases where merely ‘*pegging out*’ has been regarded as sufficient.
- 7.3 Beyond that conclusion, other operational development that falls outside section 56(4) can be sufficient to implement a planning permission: *Field v First Secretary of State* [2004] EWHC 147 Admin at [43] and [49]; endorsed in *Republic of France v RBKC* [2017] EWCA Civ 429. The constructed pathway works as a whole comprise operational development which are referable to the First RMA and can properly be regarded by themselves as sufficient works to implement the development.

8 The change of use

- 8.1 In respect of compliance with Condition 71, commencement of the change of use is subject to prior implementation of the First RMA. Whilst lawfulness of the change of use is therefore dependent on whether the First RMA has been lawfully commenced, we have already concluded that that has happened.
- 8.2 Three other conditions are relevant. The second part of Condition 71 requires that the change of use shall thereafter only be used on an ancillary basis to the holiday leisure village “*together with other ancillary uses approved under the outline permission*”. Those ancillary purposes include the country park, meaning that use of the visitors’ information centre has not been other than ancillary to the country park.
- 8.3 There is no suggestion that Condition 72 has not been complied with and Condition 73 has been discharged pursuant to the Further DisC.

- 8.4 Section 56(4)(a) defines “**material operation**” for the purposes of section 56(2) as “*any change in the use of the land which constitutes material development*”. The new use did not require permanent occupation and none of the internal works that were carried out required planning permission. External signage that might be regarded as involving development would have deemed advertisement control consent and so a deemed grant of permission under section 222 of the TCPA.
- 8.5 Whilst actual change in use is the obvious factor to look for it is difficult to see what more could have been undertaken, in respect of the building in question, given the Covid restrictions in place at the time. The line of authority (culminating in *Kestrel Hydro v SSCLG* [2016] EWCA Civ 784) that when enforcing against unlawful change of use, the enforcement notice can properly require removal of associated works (in the context of the powers under section 173(3) and (4) to remedy the breach and restore the land to its prior condition) suggests the associated steps with the purported change of use, in particular signage, should be regarded as sufficient to demonstrate material development in circumstances where physical occupation is precluded.
- 8.6 It is also relevant to note that, to the extent there is any question over implementation of the Permission relating to the Bailiff’s Tower, full planning permission (section C) is likely to be regarded in practice as severable from the other permissions and therefore even if it had lapsed, that would not affect the validity of the other permissions.

9 Conclusions

Returning to the questions posed in paragraph 1.1 of this letter, they have been answered above as follows

- (a) As to the works to the path (paragraphs 7.2 and 7.3 above) by reference to standard definitions what has been laid out comprises a road whether or not they are to be used for vehicles and are in excess of the minimum works required for such purposes. The constructed pathway works as a whole comprise operational development referable to the first RMA sufficient to implement the development.
- (b) As to Condition 30 (paragraphs 6.2, 6.3, 6.6 and 6.7 above) there is nothing in any condition that requires reserved matters approvals only to be sought on a ‘**Phase-by-Phase**’ basis and the Permission expressly envisages that a reserved matters approval can be approved as opposed to obtaining reserved matters approval for an entire phase. Where reserved matters approval is sought for part of the development requiring electrical, telecommunications, gas and other services, the condition only requires that details of the services proposed for that part are approved but, as is the case with the First RMA whilst there are no details of services to be approved and the Permission can be implemented by those works.
- (c) As to change of use (paragraphs 8.4 and 8.5) the new use did not require permanent occupation and none of the internal works or signage required planning permission but further instances of use being precluded by the Covid restrictions in place at the time the associated steps with the purported change of use, in particular signage, should be regarded as sufficient to demonstrate material development in circumstances where physical occupation is precluded.

Yours faithfully

Burges Salmon

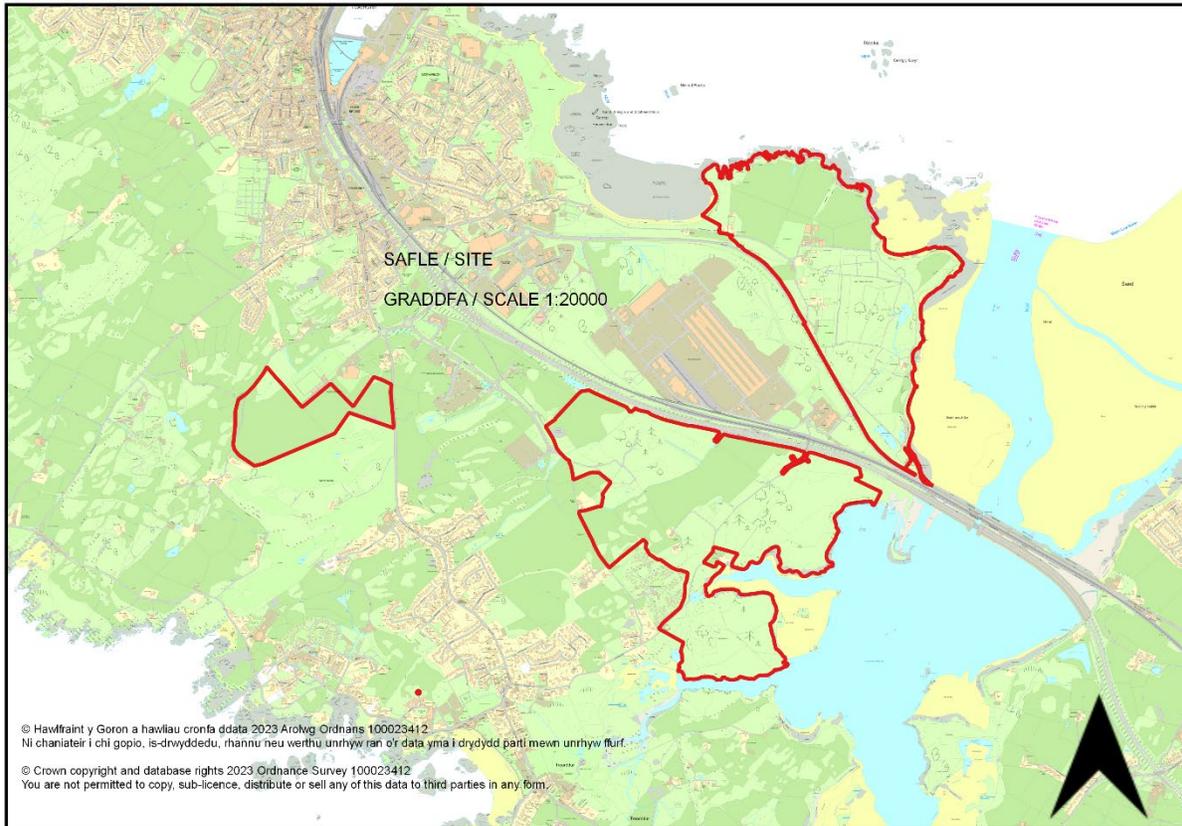
BURGES SALMON LLP

Application Reference: 46C427L/COMP

Applicant: Land and Lakes (Anglesey) Limited

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

Site Address: Land and Lakes, Penrhos Coastal Park, Holyhead



Report of Head of Regulation and Economic Development Service (Rhys Jones)

Recommendation: Condition Discharged

Reason for Reporting to Committee

The application relates to the discharge of obligations of a Section 106 Agreement attached to the consent of an application which was accompanied by an Environmental Impact Assessment. It is therefore referred to the Planning and Orders Committee for determination in accordance with paragraph 3.5.3.10 of the Constitution.

Proposal and Site

This application seeks to discharge the requirements of Sections 7 and 13.1 of Schedule 8 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON in relation to the submission of a Community Liaison Group Scheme (CLGS) and a Penrhos Public Access Land Scheme (PPALS).

The application relates to land at Penrhos, Cae Glas and Kingsland, Holyhead.

Key Issues

The key issue is whether the information submitted is sufficient to discharge the requirements of the obligations relating to the Community Liaison Group Scheme (CLGS) and the Penrhos Public Access Land Scheme (PPALS).

Policies

Joint Local Development Plan

Strategic Policy PS 2: Infrastructure and Developer Contributions
Strategic Policy PS 14: The Visitor Economy
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment
Strategic Policy PS 5: Sustainable Development
Strategic Policy PS 20: Preserving and where Appropriate Enhancing Heritage Assets
Strategic Policy PS 1: Welsh Language and Culture
Policy ISA 1: Infrastructure Provision
Policy ISA 4: Safeguarding Existing Open Space
Policy ISA 5: Provision of Open Spaces in New Housing Developments
Policy ISA 2: Community Facilities
Policy TRA 2: Parking Standards
Policy TRA 4: Managing Transport Impacts
Policy PCYFF 4: Design and Landscaping
Policy PCYFF 3: Design and Place Shaping
Policy PCYFF 1: Development Boundaries
Policy PCYFF 2: Development Criteria
Policy TWR 2: Holiday Accommodation
Policy TWR 1: Visitor Attractions and Facilities
Policy AMG 1: Area of Outstanding Natural Beauty Management Plans
Policy AMG 5: Local Biodiversity Conservation

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No comments.
Priffyrdd a Trafnidiaeth / Highways and Transportation	No response at the time of writing the report.
Iechyd yr Amgylchedd / Environmental Health	No response at the time of writing the report.
Cynghorydd Glyn Haynes	No response at the time of writing the report.

Cynghorydd Robert Llewelyn Jones	No response at the time of writing the report.
Cyngor Tref Caergybi / Holyhead Town Council	No response at the time of writing the report.
Cynghorydd Trefor Lloyd Hughes	No response at the time of writing the report.
Cynghorydd John Arwel Roberts	No response at the time of writing the report.
Cynghorydd Dafydd Rhys Thomas	No response at the time of writing the report.
Cyngor Cymuned Trearddur Community Council	No response at the time of writing the report.
Cyfoeth Naturiol Cymru	NRW have reviewed the submitted documentation and confirmed that it is not necessary for them to be part of any meeting groups but are happy to provide input/advice to the Authority as needed in terms of the implications of any discussions for Anglesey AONB or any protected site.
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response at the time of writing the report.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No comments relating to ecology.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 02/09/2020.

At the time of writing this report, one representation had been received. The main points raised are summarised below:

- concern regarding the environmental impact of the development
- concern regarding impact on ecology and that the ecology reports not up to date
- concern regarding impact on wildlife i.e. red squirrels, bats, amphibians, birds etc.
- If approved, it is hoped that the Council will ensure that local residents continue to have free access to many parts of the park

Relevant Planning History

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 watersports 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 spaces and plant. Full detail for the change of use of the existing Estate buildings at Penrhos Coastal Park, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from 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. – Permitted 19/4/16

RM/2018/6 - Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publically accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at - Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead – Permit 10/8/20

DIS/2020/92 - Application to discharge conditions (05)(Phasing Plan), (07) (EIA), (14)(Natural stone details), (17)(Full details of all external materials and finishes), (18)(Full details of external materials and colours, construction specifications of any engineered gradients, batters, bunds, all retaining walls and structures, bridges and any associated engineering works), (25)(Full details of all the Existing Traditional Agricultural Landscape and other Features ('ETAL')), (32)(Preliminary Construction Environmental Management Plan('PCEMP')), (33)(Preliminary Construction Traffic Environmental Management Plan ('PCTEMP')), (34)(Soil Management Plan ('SMP')), (35)(Waste Management Plan ('WMP')), (38)(Written Scheme of Investigation of any archaeological remains), (40)(Sustainable Drainage Systems ('SDS Scheme')), (44)(Culvert and Pipe Management Plan), (45)(Ponds and Water Bodies Strategy), (48)(Phased Ecological Plan), (49)(Protected species licenses), (50)(Ecological Monitoring Strategy ('EMS')), (51)(Method statement for protected species), (52)(Details of all measures designed to prevent the incidental capture/killing of amphibians and reptiles), (54)(Great Crested Newt compensation scheme), (55)(Scheme for the retention, enhancement and translocation of existing ground flora), (56)(Scheme for eradication of invasive plant species), (66)(Coastal Path and other public rights of way and cycle routes scheme) and (68)(Details of surface water disposal from the private access and other roads and parking areas) of planning permission 46C427K/TR/EIA/ECON in so far as they relate to reserved matters application RM/2018/6 (Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order) only on part of the publicly accessible area - Conditions Partially Discharged – 1/4/21

DIS/2021/33 - Cais i ryddhau amod (73)(Parcio cerbydau, troi a chynllun dadlwytho / llwytho) o ganiatâd cynllunio 46C427K/TR/EIA/ECON yn / Application to discharge condition (73) (Vehicle Parking, Turning and unloading/loading scheme) of planning permission 46C427K/TR/EIA/ECON – Condition Partially Discharged – 16/6/21

46C427M/COMP - Submission of Public Rights of Way to comply with the Terms of Agreement as set out in Schedule 6 of the Section 106 Agreement attached to planning permission ref. 46C427K/TR/EIA/ECON – Permitted 8/2/17

46C427L/COMP – Submission of Community Liaison Group Scheme (CLGS) to comply with the Terms of Agreement as set out in Schedule 8, Section 7 and Penrhos Public Access Land Scheme (PPALS) as set out in Schedule 8, Section 13.1 of the Section 106 Agreement attached to planning permission reference 46C427K/TR/EIA/ECON - No decision

COMP/2021/1 – Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON - No decision

S106/2020/3 – Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016. - No decision

Main Planning Considerations

Planning permission was granted on the 19th April 2016 under application reference number 46C427K/TR/EIA/ECON for a hybrid development comprising of 3 separate, but interrelated sites of Penrhos, Cae Glas and Kingsland (see Section 5 above for full application description).

The approval was subject to a Section 106 Legal Agreement dated 19th April 2016 and this application seeks to discharge the requirements of Sections 7 and 13.1 of Schedule 8 of the Section 106 Agreement in relation to the submission of a Community Liaison Group Scheme (CLGS) and a Penrhos Public Access Land Scheme (PPALS).

Section 7.1 of the Section 106 Agreement states:

7.1 The Owner shall submit the Community Liaison Group Scheme to the Council for its written approval within 6 months of the date of the transfer of the Owner's interests in the Land from the Owner to the Developer or to any other third party intending to develop the Land pursuant to the Planning Permission or prior to Commencement of Development (whichever is the earlier), or such longer period as the Council may agree (acting reasonably).

A Community Liaison Group Scheme (CLGS) dated 16th June 2020 has been submitted. The Scheme details are set out in Section 4 (Constitution) of the document. Section 4.1 assigns the group name as: Penrhos Community Liaison Group (PCLG), Section 4.2 sets out the purpose of the group, Section 4.3 relates to the group Committee, Section 4.5 relates to the group Membership and Section 4.6 relates to the groups' Remit.

Section 13.1 of the Section 106 Agreement states:

13.1 Within 6 months of the date of the transfer of the Owner's interests in the Land from the Owner to the Developer or to any other third party intending to develop the Land pursuant to the Planning Permission or prior to Commencement of Development (whichever is the earlier), or such longer period as the Council may agree, the Owner shall submit to the Council for its written approval the Penrhos Public Access Land Scheme detailing how the Owner will secure the enhanced management of the Penrhos Public Access Land, Maintain the Penrhos Public Access Land and permit public access to the Penrhos Public Access Land.

A Penrhos Public Access Land Scheme (PPALS) dated 16th June 2020 has been submitted. The Scheme details are set out in Section 3 of the documents. Section 3.1 relates to the management of the Penrhos Public Access Land, Section 3.2 relates to the maintenance of the Penrhos Public Access Land, Section 3.3 relates to public access to the Penrhos Public Access Land, Section 3.4 relates to review of commitment to the S106 and Section 3.5 relates to the responsibilities of the landowner.

The application has been subject to consultation and publicity. Where relevant, minor revisions have been made to take account of consultee comments, however, no objections or concerns have otherwise been raised by consultees in relation to the form and content of the documents.

One representation has been received in response to the publicity undertaken. The comments are largely irrelevant to the matters under consideration as part of this particular application, however whilst the writer did comment that it was hoped that the Council would ensure that local residents continue to have free access to a reasonably large area of the park they made no specific comments or objections to the submitted PPALS.

The information submitted is therefore sufficient to discharge the requirements of Sections 7 and 13.1 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON relating to land at Penrhos, Cae Glas and Kingsland, Holyhead.

Conclusion

The information submitted is sufficient to discharge the requirements of Sections 7 and 13.1 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON relating to land at Penrhos, Cae Glas and Kingsland, Holyhead.

Recommendation

Condition Discharged

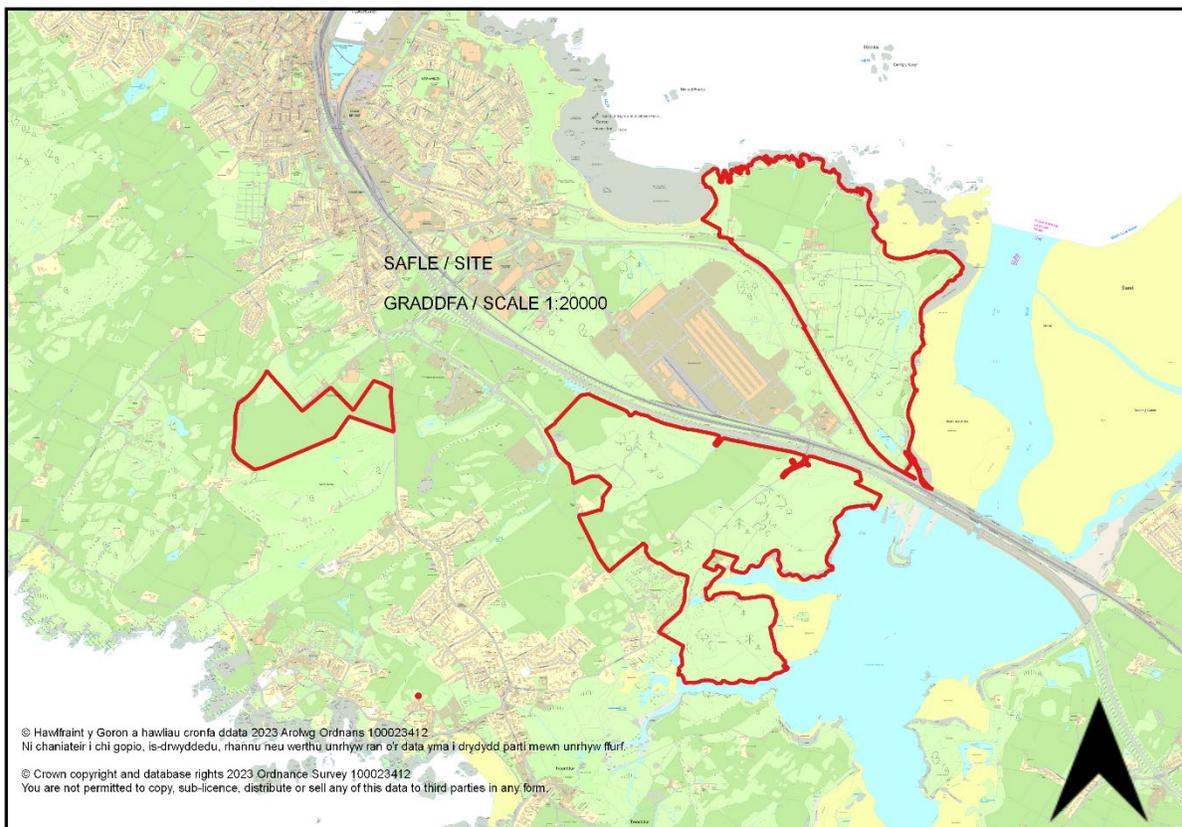
The details submitted under application 46C427L/COMP are considered acceptable and meet the requirements of Section 7 (Community Liaison Group Scheme) and Section 13.1 (Penrhos Public Access Land Scheme) of Schedule 8 of the Section 106 Agreement dated 19th April 2016 attached to planning permission reference 46C427K/TR/EIA/ECON and are therefore hereby discharged.

Application Reference: S106/2020/3

Applicant: Land and Lakes (Anglesey) Limited

Description: Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016.

Site Address: Land and Lakes, Penrhos Coastal Park, Holyhead



Report of Head of Regulation and Economic Development Service (Rhys Jones)

Recommendation: Permit

Reason for Reporting to Committee

The planning application is presented to the planning committee at the request of the local member.

Proposal and Site

This is a planning application to discharge relevant sections of the Section 106 agreement in relation to planning application 46C427K/TR/EIA/ECON for the Penrhos Coastal Park only.

Key Issues

The key issue is whether the information submitted is sufficient to discharge relevant sections as mentioned in the description.

Policies

Joint Local Development Plan

Policy PCYFF 1: Development Boundaries
Supplementary Planning Guidance - Planning and the Welsh Language (2007)
Strategic Policy PS 1: Welsh Language and Culture
Supplementary Planning Guidance - Planning Obligations (Section 106 Agreements) (2008)

Response to Consultation and Publicity

Consultee	Response
Cynghorydd Glyn Haynes	No observations received.
Cynghorydd Robert Llewelyn Jones	No observations received.
Cynghorydd Trefor Lloyd Hughes	No observations received.
Cynghorydd John Arwel Roberts	No observations received.
Cynghorydd Dafydd Rhys Thomas	No observations received.
Cyngor Tref Caergybi / Holyhead Town Council	No observations received.
Cyngor Cymuned Trearddur Community Council	No response received.
Polisi Cynllunio / Planning Policy	In an email of the 04/03/2021 it is confirmed that the JPPU have no further observations of the Welsh Language Scheme.
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	In an email of the 13/01/2021 observations are made on the Welsh Language Scheme. In an email of the 16/02/2021 additional comments on the Welsh language scheme. In an email of the 04/03 2021 it is confirmed that there are no further observations on the Welsh Language Scheme.

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 19/08/2021. At the time of writing this report 1 formal objection letter had been received. The main reasons for objection as follows:-

- Impact on SSSI, AONB and Special Protection Area (SPA)
- Loss of visitor attraction
- Need for open green space in Holyhead

- Minimal impact on economy

In response to the objection letter made, this planning application is to discharge the relevant sections of the S106 agreement. The planning application has already been approved and consideration will be given to whether the information submitted with this planning application is sufficient to discharge the relevant section of the S106 agreement for the Penrhos Coastal Park site only.

Relevant Planning History

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 watersports 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 spaces and plant. Full detail for the change of use of the existing Estate buildings at Penrhos Coastal Park, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from 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. – Permitted 19/4/16

RM/2018/6 - Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publically accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at - Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead – Permit 10/8/20

DIS/2020/92 - Application to discharge conditions (05)(Phasing Plan), (07) (EIA), (14)(Natural stone details), (17)(Full details of all external materials and finishes), (18)(Full details of external materials and colours, construction specifications of any engineered gradients, batters, bunds, all retaining walls and structures, bridges and any associated engineering works), (25)(Full details of all the Existing Traditional Agricultural Landscape and other Features ('ETAL')), (32)(Preliminary Construction Environmental

Management Plan('PCEMP')), (33)(Preliminary Construction Traffic Environmental Management Plan ('PCTEMP')), (34)(Soil Management Plan ('SMP')), (35)(Waste Management Plan ('WMP')), (38)(Written Scheme of Investigation of any archaeological remains), (40)(Sustainable Drainage Systems ('SDS Scheme')), (44)(Culvert and Pipe Management Plan), (45)(Ponds and Water Bodies Strategy), (48)(Phased Ecological Plan), (49)(Protected species licenses), (50)(Ecological Monitoring Strategy ('EMS')), (51)(Method statement for protected species), (52)(Details of all measures designed to prevent the incidental capture/killing of amphibians and reptiles), (54)(Great Crested Newt compensation scheme), (55)(Scheme for the retention, enhancement and translocation of existing ground flora), (56)(Scheme for eradication of invasive plant species), (66)(Coastal Path and other public rights of way and cycle routes scheme) and (68)(Details of surface water disposal from the private access and other roads and parking areas) of planning permission 46C427K/TR/EIA/ECON in so far as they relate to reserved matters application RM/2018/6 (Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order) only on part of the publicly accessible area - Conditions Partially Discharged – 1/4/21

DIS/2021/33 - Application to discharge condition (73) (Vehicle Parking, Turning and unloading/loading scheme) of planning permission 46C427K/TR/EIA/ECON – Condition Partially Discharged – 16/6/21

46C427M/COMP - Submission of Public Rights of Way to comply with the Terms of Agreement as set out in Schedule 6 of the Section 106 Agreement attached to planning permission ref. 46C427K/TR/EIA/ECON – Permitted 8/2/17

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

COMP/2021/1 – Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON

S106/2020/3 – Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016.

Main Planning Considerations

The main elements of the application subject to this report are as below:

- Amend paragraph 2.1.1 of part 8 of the legal agreement so that a Nature Reserve required in phase 1 of Cae Glas is provided prior to the commencement of the holiday development at Penrhos as opposed to any development in Penrhos (ie Penrhos Phase 1 instead Penrhos Phase as defined in the legal agreement).
- Row 15 of Appendix 2 (Bond Table) "Penrhos Visitor Center" Amend agreement so that the "bond" is required prior to commencement of the holiday development at Penrhos as opposed to any development in Penrhos (ie Penrhos Phase 1 instead of the Penrhos Phase as defined in the legal agreement).
- Paragraph 1.1 Schedule 12 Amendment to the requirement to submit the Welsh Language Scheme from 12 months to 3 months before the start of any "Phase" or "Sub Phase".
- Paragraph 1.2 of Schedule 12 currently requires that no construction shall commence in relation to any phase until a Welsh Language Scheme for that Phase has been approved in writing by the council. The change being applied for permits the applicants to submit a Welsh Language Scheme for a Sub Phase in accordance with the definition in the legal agreement. Pursuant of the change being applied for a Welsh Language Scheme is submitted for the Penrhos Coastal Park which is sub phase under the terms of the legal agreement.
- Correct a plan in the original legal agreement by the superseding Section 106 Plan 2- Penrhos Land Drawing revision 03 for revision 04 dated 19th April 2016.

The amendments to the legal agreement listed above are all considered acceptable, in reaching this conclusion regard has been had of Circular 13/97.

Relevant consultees are satisfied with the final version of the Welsh Language Scheme which was amended having regard to comments provided by the council. Having regard to the comments and all material planning policy considerations the Welsh Language Scheme in so far as it relates to Penrhos Coastal Park is considered to be acceptable

An objection has been received but the comments made relate to the merits of developing area and is not at issue or material in the determination of the current application.

Conclusion

Having considered all material considerations which are summarised above approval is recommended.

In accord with the duty under regulation 3 of the EIA (Wales) Regulations 2016 the Local Planning has considered the information provided with this application and having taken into account that the scope of the development assessed for EIA purposes under planning permission 46C427K/TR/EIA/ECON it is considered that the baseline and the likely significant effects are the same such that approval is granted.

Recommendation

- a) That council completes the Deed of Variation so as to amend the legal agreement completed on 19 April 2016 as part of planning permission 46C427K/TR/EIA/ECON.
- b) Upon completion of the Deed of Variation that the Welsh Language Scheme (February 2021) is approved by the council in so far as it relates to the "Penrhos Public Access Land" as defined in the legal agreement completed on 19 April 2016.

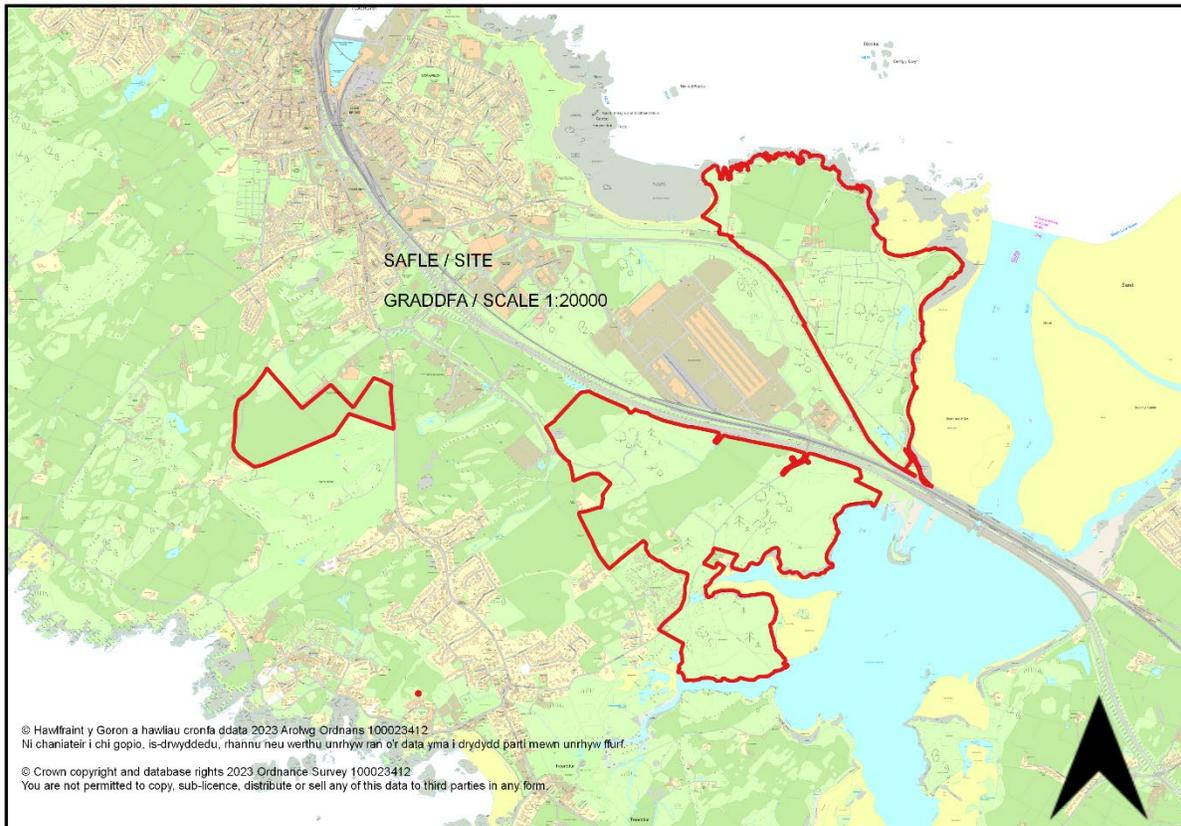
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: COMP/2021/1

Applicant: Land and Lakes (Anglesey) Limited

Description: Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON at

Site Address: Land and Lakes, Penrhos Coastal Park, Holyhead



Recommendation: Condition Discharged

Reason for Reporting to Committee

The planning application is presented to the planning committee at the request of the local member.

Proposal and Site

This is a planning application to discharge relevant sections of the Section 106 agreement in relation to planning application 46C427K/TR/EIA/ECON for the Penrhos Coastal Park only

Key Issues

The key issue is whether the information submitted is sufficient to discharge relevant sections as mentioned in the description.

Policies

Joint Local Development Plan

- PS4 – Sustainable transport, development and accessibility
- TRA2 – Parking Standards
- TRA4 – Managing Transport Impacts
- PS5 – Sustainable Development
- PCYFF2 – Development Criteria
- PCYFF3 – Design and Place Shaping
- PCYFF4 – Design and Landscaping
- PS19 – Conserving and where appropriate enhancing the natural environment
- AMG1 – Area of Outstanding Natural Beauty
- AMG3 – Protecting and enhancing features and qualities that are distinctive to the local landscape character
- AMG4 – Coastal Protection
- AMG5 – Local Biodiversity Conservation
- PS20 – Preserving and where appropriate enhancing heritage assets

Response to Consultation and Publicity

Consultee	Response
Cynghorydd John Arwel Roberts	No response
Cyngor Tref Caerdybi / Holyhead Town Council	No response
Cynghorydd Dafydd Rhys Thomas	No response
Cyngor Cymuned Trearddur Community Council	No response
Cynghorydd Glyn Haynes	No response
Polisi Cynllunio / Planning Policy	No response
Cynghorydd Robert Llewelyn Jones	Requested that the planning application is called into the planning committee for consideration.
Cynghorydd Trefor Lloyd Hughes	No response
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No response

Priffyrdd a Trafnidiaeth / Highways and Transportation	No response
Swyddog Hawliau Tramwy Cyhoeddus/ Public Rights of Way Officer	No response
Swyddog Cefn Gwlad a AHNE / Countryside and AONB Officer	No response
Ymgynghorydd Tirwedd / Landscape Advisor	No objection
Ymgynghorydd Treftadaeth / Heritage Advisor	No response
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection
Mwynau a Gwastraff / Minerals & Waste	No response
Dwr Cymru Welsh Water	No comments
Uned Datblygu Economaidd / Economic Development Unit	No response
GCAG / GAPS	No comments
Cadw Scheduled Monuments	No response
Ymgynghoriadau Cynllunio YGC	No comments
Adain Eiddo / Property Section	No comments
Iechyd yr Amgylchedd / Environmental Health	No response
Ymgynghorydd Treftadaeth / Heritage Advisor	No response
Sioned L Jones / Coastal Access Project Officer	No comments
Cynghorydd Jeff M. Evans	No response

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties and site notices were placed near the site. The latest date for the receipt of any representation was the 19/08/2021. At the time of writing this report 182 formal objection letters had been received and 500 web comments had been received. The main reasons for objection as follows:-

- Impact on SSSI, AONB and Special Protection Area (SPA)
- Impact on ecology (particularly red squirrels)
- Minimal impact on economy
- Insufficient local amenities and infrastructure to support development, Strain on health care, emergency services, sewage systems etc.
- No affordable homes for Holyhead
- Proposal does not consider Wales Future Generations Act 2015
- Impact on Coastline
- Destruction of 27 acres of mature trees which is Ancient Woodland

- No demand now Wylfa not going ahead
- Impact on TPO's and ancient woodland
- Additional Traffic and impact on pedestrian safety
- Climate Change and Global Warming
- The development could negatively impact local businesses
- Impact on Welsh Language
- Loss of pet cemetery
- No need for the development
- Overdevelopment of the site
- Visual Impact
- Out of Keeping with the area
- Detrimental impact on local amenity, noise etc.
- Insufficient parking within the development
- No allocation for waste recycling within the development
- Demolishing Historical Buildings
- Not sustainable
- The development does not override public interest
- Important for mental health and wellbeing
- Need for open green space in Holyhead

Impact on Listed Buildings nearby

Other issues

- Area should remain as wildlife reserve
- Conflict of interest of previous Head of Planning and link to Land and Lakes
- Use the park to walk and relax
- More suitable areas to develop
- Plenty of empty, dilapidated houses that developers could turn into holiday homes
- Enough holiday homes in the area

- Lack of consultation and transparency by developer
- Impact on Valley as vehicles will leave A55 at Valley junction.

In response to the objection letters and comments made, this planning application is to discharge the relevant sections of the S106 agreement. The planning application has already been approved and consideration will be given to whether the information submitted with this planning application is sufficient to discharge the relevant section of the S106 agreement for the Penrhos Coastal Park site only.

Relevant Planning History

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 watersports 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 spaces and plant. Full detail for the change of use of the existing Estate buildings at Penrhos Coastal Park, London Road, Holyhead including the change of use for: The Bailiffs Tower and outbuildings at Penrhos Home Farm from 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. – Permitted 19/4/16

RM/2018/6 - Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order on part of the publically accessible area approved under outline planning permission 46C427K/TR/EIA/ECON at the Penrhos Coastal Park, Holyhead at - Land and Lakes, Penrhos Coastal Park, Caergybi / Holyhead – Permit 10/8/20

DIS/2020/92 - Application to discharge conditions (05)(Phasing Plan), (07) (EIA), (14)(Natural stone details), (17)(Full details of all external materials and finishes), (18)(Full details of external materials and colours, construction specifications of any engineered gradients, batters, bunds, all retaining walls and structures, bridges and any associated engineering works), (25)(Full details of all the Existing Traditional Agricultural Landscape and other Features ('ETAL')), (32)(Preliminary Construction Environmental Management Plan('PCEMP')), (33)(Preliminary Construction Traffic Environmental Management Plan ('PCTEMP')), (34)(Soil Management Plan ('SMP')), (35)(Waste Management Plan ('WMP')), (38)(Written Scheme of Investigation of any archaeological remains), (40)(Sustainable Drainage Systems ('SDS Scheme')), (44)(Culvert and Pipe Management Plan), (45)(Ponds and Water Bodies Strategy), (48)(Phased Ecological Plan), (49)(Protected species licenses), (50)(Ecological Monitoring Strategy ('EMS')), (51)(Method statement for protected species), (52)(Details of all measures designed to prevent the incidental capture/killing of amphibians and reptiles), (54)(Great Crested Newt compensation scheme), (55)(Scheme for the retention, enhancement and translocation of existing ground flora), (56)(Scheme for eradication of invasive plant species), (66)(Coastal Path and other public rights of way and cycle routes scheme) and (68)(Details of surface water disposal from the private access and other roads and parking areas) of planning permission 46C427K/TR/EIA/ECON in so far as they relate to reserved matters application RM/2018/6 (Reserved matters application including details of the appearance, landscaping, layout and scale for raised boardwalk footways and works to trees subject to a Tree Preservation Order) only on part of the publicly accessible area - Conditions Partially Discharged – 1/4/21

DIS/2021/33 - Application to discharge condition (73) (Vehicle Parking, Turning and unloading/loading scheme) of planning permission 46C427K/TR/EIA/ECON – Condition Partially Discharged – 16/6/21

46C427M/COMP - Submission of Public Rights of Way to comply with the Terms of Agreement as set out in Schedule 6 of the Section 106 Agreement attached to planning permission ref. 46C427K/TR/EIA/ECON – Permitted 8/2/17

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

COMP/2021/1 – Submission of information necessary to discharge sections; Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy – Penrhos Coastal Park Phase. Schedule 8, clause 12.1; Ancient Woodland Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme - Penrhos Coastal Park Phase. Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit - Penrhos Coastal Park Phase. Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment – Penrhos Coastal Park Phase. Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment – Penrhos Coastal Park Phase. Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan – Penrhos Coastal Park Phase. Schedule 11, Section 1, Clause 1.1; Local Labour Plan – Penrhos Coastal Park Phase of the S106 agreement obligations attached to planning permission 46C427K/TR/EIA/ECON

S106/2020/3 – Submission of 'Penrhos Coastal Park Welsh Language Scheme' under Section 1. (Welsh Language Scheme) of schedule 12 of the Section 106 Agreement completed in connection with planning permission 46C427K/TR/EIA/ECON and the submission of a Deed of Variation to vary the following provisions of this legal agreement: paragraphs 2.1.1 Schedule 8 (Cae Glas Nature Reserve and Visitor Centre Specification), Appendix 2 Bond Table Penrhos Visitor Centre (including the Penrhos Visitor Centre Toilets) and their Maintenance, paragraphs 1.1 and 1.2 of Schedule 12 (Welsh Language Scheme) and the substitution of Plan 2 Penrhos Land Drawing – Plan 2 drawing reference PL1114.VW008 /Rev 03 dated 03/03/2016.

Main Planning Considerations

Schedule 8, Section 1, Clause 1.1; Car Parking and Public Access Strategy -

Prior to the commencement of construction of each stage of the development the owner was required to submit details of the car parking and public access strategy in respect of each phase. The applicant has submitted details confirming that these obligations have been met and will continue to be met until the land identified to be part of the development area is reasonably required for this purpose. Details of when access to the public car park and associated toilets have been submitted as part of the application. Full public accessibility to the whole of the Penrhos Access Land has been maintained since the transfer of ownership and will continue until some or all of the Private Open Space and Development Area will be 'reasonably required.

Schedule 8, clause 12.1; Ancient Woodland Scheme -

Clause 12.1 required that the owner submitted an Ancient Woodland Scheme to the Council for its written approval detailing obligations and measures which the owner will undertake to ensure the retention and maintenance of the Ancient Woodland.

The details submitted have been forwarded to the Senior Landscape and Tree Officer has confirmed that there are no area of ancient woodland within Penrhos Coastal Park.

Schedule 8, Section 15, Clause 15.1; Green Linkages Scheme -

Clause 15.1 requires that prior to the commencement of construction of each phase the owner shall submit a Green Linkages Scheme in respect of that phase to the Council for its written approval detailing the obligations and measures which the Owner will undertake to ensure the laying out of the Green Linkages together with the means of public access (as appropriate) to the D=Green Linkages the Maintenance and management of the Green Linkages the location and timing of the delivery of the Green Linkages.

Green Linkages means a scheme containing details and the location of the sustainable and safe connections for walking and cycling within all Phases of the Development and linking to adjacent uses and features, public transport and neighbouring land and ecological and landscape connectivity between areas within or adjacent to the development and to be provided as part of every phase or sub phase.

The existing Green Linkages within the Penrhos Coastal Park comprise; the Public Right of Way, including the now designated Penrhos Coastal Path and PRow 38 / Sustrans Cycle route 8; Permissive Public footpaths within the Coastal Park.

In addition to the existing routes the owner proposes several additional walkways within the Coastal Park and these have been approved under planning application reference number RM/2018/6.

No objections were raised by the Public Footpath Officer

Schedule 8, Section 17, Clause 17.1; SSSI Management Scheme -

Clause 17.1 required that the owner submitted a SSSI Management Scheme which included details of the access arrangement to the SSSI including restricting recreational use and maritime activities within the vicinity of the SSSI, protection of protected species and details of contaminated land and the potential for leachate into the SSSI.

The SSSI Management Plan submitted confirmed that the owner has established a Penrhos Coastal Park Warden team to operate and maintain the accessible public park. The team undertake all operational and maintenance duties, maintain site safety and security and dialogue with the visiting public.

The statement also confirmed that the owner has periodically commissioned coastal bird surveys from 2011 to date. The statement stated that the owner is committed to ensuring the continuing protection of the Beddmanarch-Cymyran SSSI and its coastal habitats and birds and that the footpath networks improvement works will not result in any increase in public pressure on the SSSI and may service to divert users away from the main coastal footpath and the SSSI.

Natural Resource Wales and the Ecological Adviser confirmed that they were happy with the details submitted within the Management Plan.

Schedule 8, Section 19, Clause 19.1; Ecological Survey and Monitoring Scheme

Prior to the commencement of works on site the owner was required to submit an Ecological Survey and Monitoring Scheme which detailed a timetable to carry out ecological surveys, monitoring and reporting procedures on the surveys and monitoring undertaken, methodology for the Ecological Compliance Audit and details of the Compensatory Habitat and Species Enhancement Areas including the timing of their delivery and their location.

An Ecological Monitoring Strategy has been submitted.

The Ecological Adviser confirmed that additions and changes were made at the time that the documents were submitted under planning application reference DIS/2020/92. Natural Resource Wales also confirmed that they had no objection to the details submitted.

Schedule 8, Section 19, Clause 19.4; Ecological Compliance Audit

Clause 19.4 required that an Ecological Compliance Audit was submitted once the Ecological Survey and Monitoring Scheme was approved.

An Ecological Compliance Audit has been submitted as part of the application and Natural Resource Wales have confirmed that the details submitted are acceptable.

Schedule 8, Section 20, Clause 20.1 – Existing Tree Management Scheme

There was a requirement for the applicant to submit an Existing Tree Management Scheme to the Local Planning Authority prior to the commencement of construction of the Penrhos Phase or Cae Glas Phase 1 detailing the obligations and measures which the owner would undertake to ensure the retention, maintenance and enhancement of the existing trees.

The landscape officer has confirmed that these issues were agreed in the planning application DIS/2020/92 and no further amendments are required. The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 8, Section 21, Clause 21.1 – Warden Service Appointment / Warden Service Annual Reporting

This obligation requires;

A suitably qualified or experienced Warden (whose job specification shall be first approved in writing by the Council) shall be appointed by the Owner prior to Commencement of Development and at the cost of the Owner to ensure compliance with a list of different schemes. the obligation goes on to state that from commencement of development an annually thereafter it shall produce an annual report detailing the measures taken to comply with the requirements of the schedule in relation to the maintenance areas and

any instance of non-compliance with any plan, scheme or requirement of this schedule in relation to the maintenance areas and how any non-compliance has been or will be addressed and setting out any actions to be taken in the following year.

In response to this obligation, in respect of Warden Service Appointment, the applicant has provided proposals regarding scope of appointment and contract requirements. The proposals are provided in Section 3.2.1 of Appendix B4 - Warden Service Appointment.

In respect of the annual reporting, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.2 of Appendix B4 - Warden Service Appointment.

In response to this obligation, in respect of Security within the Coastal Park, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.3 of Appendix B4 - Warden Service Appointment.

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 8, Section 21, Clause 21.2 – Warden Service, Security obligations / AONB Impact and use of Green Linkages monitoring assessment

The obligation states that the owner shall be responsible for the ongoing provision of adequate security/warden presence in respect to all areas of the land to which the public are permitted access in accordance with the terms of the agreement. Prior to the commencement of development, a suitably qualified or experienced warden (who may be the same person as appointed for the purposes of paragraph 21.1 above) shall be appointed at the cost of the owner to monitor the impact of the development on the AONB and the use of Green Linkages from the Development to the AONB.

In response to this obligation, in respect of AONB impact and use of Green Linkages monitoring, the applicant has provided proposals regarding the Warden Service Appointment and contract requirements. These proposals are provided in Section 3.2.4 of Appendix B4 - Warden Service Appointment

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 8, Section 21, Clause 21.3 – Warden Service, AONB Impact Annual Report commitment –

The requirements of this section states that the Warden shall from the commencement of the development and annually thereafter produce an annual report and provide a copy to the council detailing the impact on the AONB, any mitigation provided and setting out any actions to be taken in the following year to manage and mitigate any impacts on the AONB.

In response to this obligation, in respect of AONB impact annual reporting, the applicant has provided proposals regarding the Warden Service appointment and contract requirements. These proposals are provided in Section 3.2.5 of Appendix B4 - Warden Service Appointment

The information submitted is in relation to Penrhos Coastal Park only.

Schedule 9, Section 3, Clause 3.1; Penrhos Leisure Village Phasing Plan

The requirement of this section was as follows:-

Prior to the commencement of construction of the Penrhos Phase the owner shall submit to the council for its written approval a phasing plan showing how Penrhos Phase 1, Phase 2 and Phase 3 will be delivered.

The applicant has provided phasing information for the following phases:-

Penrhos Coastal Park – Preliminary Phase

Penrhos Phase 1 – Penrhos Leisure Village

Penrhos Phase 2 – Penrhos Leisure Village

Penrhos Phase 3 – Penrhos Leisure Village

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Schedule 11, Section 1, Clause 1.1; Local Labour Plan

The requirement of this section was as follows:-

Prior to the commencement of construction of each phase the owner shall submit to the Council for the council's written approval a Local Labour Plan in relation to that Phase which shall include details of the Owner's proposals to promote the employment of persons resident in the Geographic Area and the engagement of local contractors, tradespeople and businesses as part of the relevant phase or part thereof.

The applicant has prepared and submitted a Local Labour Plan and is limited to the initial phase of work at Penrhos Coastal Park only.

The Local Labour Plan provides the scope of appointment and contract requirements

Contractor Location - Land and Lakes will adopt general terms of appointment of contractors such as contractor location – preferably from the geographic area of Anglesey. Should a wider area need to be considered, this should be limited to North Wales.

Welsh Language Obligations – The contractors selected must be able to meet the requirements of the PCP phase Welsh Language Scheme as agreed with the Council.

Health and Safety – Contractors must provide compliance with current H+S regulations

Insurance – Contractors must hold current Public Liability insurance and Employer's Liability Insurance Cover of a minimum of £10M

Materials and Supplies – All materials and supplies to be obtained as locally as possible preferably from geographic area of Anglesey, if not available limited to North Wales.

Cleaning and Hygiene – Sub-contractors to be sourced locally

Workforce Appointments – Should additional workforce be required to fulfil contracts at Penrhos Coastal Park, these, posts, including all obligations, are to be advertised and appointed locally, unless qualification, skill and experience needs cannot be met.

The information submitted is sufficient to discharge the requirements of this section for the Penrhos Coastal Park.

Conclusion

To discharge the relevant sections of the S106 obligations in relation to the Penrhos Coastal Park only.

Recommendation

Condition Discharged

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.

Application Reference: FPL/2022/256

Applicant: AMP Construction Ltd

Description: Full application for the erection of 33 affordable homes, new vehicular and pedestrian access, construction of new estate road together with associated works on land adjacent to

Site Address: Crown Street, Gwalchmai



Report of Head of Regulation and Economic Development Service (Sion Hughes)

Recommendation: Permit

Reason for Reporting to Committee

The application is presented before the planning and orders committee at the request of both local members for the area, Neville Evans and Douglas Massie Fowlie.

At the committee meeting held on the 5th of April 2023, the members voted to conduct a physical site visit. The site visit took place on the 26th of April 2023 and therefore the members will now be familiar with the site and its surroundings.

Proposal and Site

The site is located in the rural settlement of Gwalchmai in a position directly adjoining Crown Street in the upper section of the village. The site in its present form is an agricultural enclosure and includes a splayed access leading directly from Crown Street, with stone walling forming the access and the remainder of the roadside boundary. Remaining boundaries are formed by mature native hedging comprising of predominantly hawthorn. The site is at an equal elevation with the highway (Crown street) which has a slight gradient running from south west to the north east. The North, South and West boundaries of the site flank existing housing developments with the western boundary being separated by the public highway. The eastern boundary flanks with other agricultural enclosures and the open countryside beyond. The application site itself is considered open countryside by virtue of its location outside of (but directly adjoining) the defined development boundary as outlined in the Joint Local Development Plan inset maps, with Gwalchmai itself categorised as a service village.

The immediate locality of the site does not include a set pattern of development, with a diverse range of property types and finishing materials evident locally. The opposite side of Crown Street directly outside of the site includes both bungalows and 2 storey dwellings, with a range of finishing materials used including (but not limited to) Slate, tile, render, pebbledash and stone cladding. Maes Meurig directly to the south of the site comprises of terraced housing which is finished in slate roofing and pebbledash walling.

The application is made for the erection of 33 affordable dwellings on the site together with the closing up of the existing access, creation of a new access and also the creation of a new internal access road. The dwellings will be 2 storey in their construction and will be finished in tile roof covering, white render, red facing brickwork and white upvc windows, doors and rainwater goods. The site will consist of the following housing mix:

- 12 no. 1 bed apartments
- 10 no. 2 bed semi detached dwellings
- 8 no. 3 bed semi detached dwellings
- 3 no. 4 bed detached dwellings.

Key Issues

The key issues of the scheme are as following:

- Compliance with relevant policies of the Joint Local Development Plan
- Highways matters
- Ecological Matters
- Welsh Language Matters
- Design/Landscaping
- Objections from neighbours

Policies

Joint Local Development Plan

Policy ISA 1: Infrastructure Provision

Strategic Policy PS 2: Infrastructure and Developer Contributions

Policy PCYFF 4: Design and Landscaping

Strategic Policy PS 6: Alleviating and Adapting to the Effects of Climate Change

Policy PCYFF 3: Design and Place Shaping

Policy PCYFF 1: Development Boundaries

Policy PCYFF 2: Development Criteria

Policy TAI 16: Exception Sites

Policy TAI 8: Appropriate Housing Mix

Policy TAI 15: Affordable Housing Threshold & Distribution

Policy TAI 3: Housing in Service Villages
Strategic Policy PS 18: Affordable Housing

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

Supplementary Planning Guidance - Affordable Housing (2004)

Technical Advice Note 12: Design (2016)

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Policy AMG 5: Local Biodiversity Conservation
Policy TRA 4: Managing Transport Impacts
Policy TRA 2: Parking Standards
Strategic Policy PS 4: Sustainable Transport, Development and Accessibility
Policy PCYFF 6: Water Conservation
Policy PCYFF 5: Carbon Management
Strategic Policy PS 16: Housing Provision
Strategic Policy PS 19: Conserving and Where Appropriate Enhancing the Natural Environment

Supplementary Planning Guidance - Planning Obligations (Section 106 Agreements) (2008)

Response to Consultation and Publicity

Consultee	Response
Priffyrdd a Trafnidiaeth / Highways and Transportation	No objection following receipt of additional info.
Draenio Gwynedd / Gwynedd Drainage	No response.
GCAG / GAPS	No objection.
Gwasanaeth Addysg / Education Service	Financial contribution required.
Polisi Cynllunio / Planning Policy	Outline of applicable policies provided along with details regarding open space contribution.
Cyfoeth Naturiol Cymru / Natural Resources Wales	No objection.
Iechyd yr Amgylchedd / Environmental Health	Comments regarding working hours.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	No objection.
Dwr Cymru Welsh Water	No objection.
Strategol Tai / Housing Strategy	Satisfied there is demand for number and mix of dwellings proposed .
Rheolwr Polisi a Strategaeth / Policy & Strategy Manager	No objection.
Cynghorydd Neville Evans	Call in to committee.
Cynghorydd Douglas Massie Fowlie	No response.
Cyngor Cymuned Trewalchmai Community Council	Objections raised regarding following issues: - Overdevelopment - Insufficient infrastructure

	<ul style="list-style-type: none"> - Dwellings not for local people - Concern regarding Welsh Language - Concern regarding capacity for foul water
Ymgynghorydd Treftadaeth / Heritage Advisor	No comments

The application was afforded publicity by 2 means as following:

- Personal letters to neighbouring properties.
- Advert placed in the local press.

The latest date for representations to be made in response to the publicity was the 02/11/2022. At the time of writing this report, 119 letters of representation had been received and their contents will be addressed later in this report.

Relevant Planning History

None.

Main Planning Considerations

Principle of Development

As mentioned previously, the application site is outside of the defined development boundary of Gwalchmai but directly adjoins the boundary on 3 of its elevations and therefore can be considered as an exception site in line with policy TAI 16 of the plan. TAI 16 states as following:

'Where it is demonstrated that there is a proven local need for affordable housing (as defined in the Glossary of Terms) that cannot reasonably be delivered within a reasonable timescale on a market site inside the development boundary that includes a requirement for affordable housing, as an exception, proposals for 100% affordable housing schemes on sites immediately adjacent to development boundaries that form a reasonable extension to the settlement will be granted. Proposals must be for a small scale development, which are proportionate to the size of the settlement, unless it can be clearly demonstrated that there is a demonstrable requirement for a larger site, with priority, where it is appropriate, given to suitable previously developed land'

The policy is principally based on proposals demonstrating that there is an identified need for affordable housing. The application was supported by the submission of a design, access and planning statement which included a section in relation to housing mix/need. The statement provides details of how supply and demand for housing was assessed by means of assessing the following sources:

- Anglesey Local Housing Market assessment
- Census data
- Tai Teg Affordable housing register
- Rural housing Enabler Service
- Local Authority Social Housing Register

Having collated information from all these sources, it was concluded that there was a need for 50 affordable dwelling in the Trewalchmai area, although it was acknowledged that there may be a degree of crossover in the various sources. The department are satisfied that there is a genuine need for 33 affordable dwellings as were the local Authority housing department who confirmed there is demand for this number and mix of dwellings. The policy also requires it to be demonstrated that the need cannot be reasonably delivered within a reasonable timescale on market sites. Gwalchmai at present only includes 1 housing allocation site which has in part received consent (including 2 affordable dwellings) with the other part vacant. The vacant section is some 0.5 hectare in size and therefore in line with PCYFF 2, should theoretically provide 15 units (3 units affordable). As can be seen, the theoretical supply of affordable dwellings on market sites within Gwalchmai would fall significantly short of the demand. As such, the department are satisfied this demand can not be met within a reasonable timescale on market sites. The application site is flanked on 3 of its elevations by existing housing developments and includes natural existing demarcation. The proposal would form a natural extension to the village as it would infill a

gap in the build form of the village on the south side of Crown Street. It is acknowledged that the site is not small scale in nature, however in line with the policy it has been demonstrated that there is a genuine need for a larger housing site. Due to the above, it is considered that all aspects of TAI 16 have been effectively conformed with and thus the proposal is in accordance with the principle policy in assessing the fundamental acceptability of the scheme.

Housing Density

Policy PCYFF 2 of the JLDP states that all housing developments should achieve a minimum housing density of 30 units per hectare to ensure the best and most efficient use of land. The application site area is 0.83 hectares which equates to a housing density of 41 units per hectare and therefore the scheme achieves the minimum housing density set out under the policy. The Supplementary Planning Guidance Design Guide denotes that dwellings should include an area of approx 55m² amenity area. The proposed site plan delineates the dwellings will include garden areas ranging between 54m² a 62m². Due to this, it is not considered that the development can in planning terms be legitimately considered as over development of the site. Further to this, the site includes visitor parking along with open space in the form of the attenuation basin together with the amenity area with fruit tree planting to the northern end of the site.

Housing Mix

Policy TAI 8 states that all new housing development should contribute to improving the balance of housing stock and meet the identified needs of the whole community. As mentioned above, a housing mix statement was submitted as part of the application and included details of assessments made of various sources. The statement identified a local need in particular for 1 bed units, which the scheme has been designed to meet. The housing department were satisfied that the housing mix was appropriate and met the needs of the Trecastell ward and as such the department are of the opinion the scheme is in conformity with TAI 8. Having discussed the housing type/mix further with the housing department, they have confirmed that 4 no. 2 bedroom dwellings and 4 no. 3 bedroom dwellings should be intermediate rent, with the remainder social housing. The developer was happy to accept this mix requested by the housing department.

Housing Amount

Despite being outside of the defined development boundary, the scheme must still be considered against the indicative provision figures allocated to Gwalchmai as a service village. The indicative supply for Gwalchmai (including a slippage allowance of 10%) is for 40 units over the plan period. In the period 2011 to 2022 a total of 19 units have been completed within Gwalchmai. The total land bank (windfall and allocated sites), i.e. sites with extant planning permission and likely to be developed, in April 2022, was 17 units. In addition there is part of an allocated site Land Near the A5 (T54) that has an extant planning permission for 6 units with the remainder of the allocation anticipated to deliver 21 additional units. This means that Gwalchmai will have exceeded its capacity with the development of the allocated site.

Policy PS 17 in the Plan states that 25% of the Plan's housing growth will be located within Villages, Clusters and open countryside.. The indicative growth level (including 10% slippage) for Villages, Clusters and open countryside is 1953 units. 1,422 units were completed between 2011 and 2021 in the Villages, Clusters and open countryside category and that 708 were in the land bank (and likely to be developed). This data reflects the fact that the Plan has inherited a number of approvals given by the Local Planning Authority on the basis of previous development plans and relevant planning considerations. Some of these approvals correspond with the adopted JLDP. Therefore, currently, the approval of this site can be supported by the expected provision within the Villages, Clusters and open countryside category. As Gwalchmai as a settlement has exceeded its indicative provision however, it is required that the scheme is sufficiently justified and also supported by the submission of a Welsh language impact assessment. The scheme is made to meet an identified affordable need in the area and the scheme was supported by the submission of a Welsh Language Impact Assessment. The WLIA was assessed by the local authority Welsh Language and Policy Manager, who showed initial concern in regards to the data used to collate the report, but following further correspondence from the agent clarifying the data used, had no objections to make.

Design

Policy PCYFF 3 of the JLDP is made with the main thrust of ensuring that all proposals are of a high quality design which fully take into account the built and natural context of the site. The proposed design of the units have been set out earlier in this report. The proposed units are typical in their scale and proportions and will be sympathetic of the design precedent which exists locally and as such it is considered that the built environment has been fully considered as part of the design of the site. The site has been laid out in a manner where the roadside dwellings run away from the highway and thus retain part of the more open feel of this section of the village and prevent the development from being imposing on the street scene. Due to the above, the department are of the opinion the scheme is in accordance with policy PCYFF 3

Effect upon Residential Amenity

The impact of the proposal, in particular upon the amenity of nearby land users should be considered in accordance with the criteria as set out in Policy PCYFF2 of the JLDP. Specific consideration should be given to subsection 6 which stipulates that planning permission should be refused if the proposed development would have an adverse impact on the health, safety or amenity of occupier of local residence or other land and property users. Regard has been given in terms of overlooking / loss of privacy and the effect on the outlook of adjacent residential properties and also within the development site. Existing dwellinghouses are located along the northern and southern boundary of the application site and on the opposite side of Crown Street. It is not anticipated that the scheme would have a detrimental impact upon the amenities currently enjoyed by properties to the north and south of the site as they will be separated by ample distance (25 m to the south and 15 to the north) and both boundaries include thick mature hawthorn hedging to a height of approx. 3 metres and up to 4 metres in areas. Due to this, it is not considered that the scheme would overlook any existing properties to the north and south to an extent that would warrant refusal of the scheme. The arrangement of the dwellings roadside within the site ensures that there are no primary windows that would look directly towards to properties on the opposite side of crown street and therefore would not overlook to an extent that would warrant refusal. Despite the site being open countryside in policy terms, it is still within the village from a visual point of view and thus there is an existing baseline of disturbance in the area due to traffic etc and therefore it is not considered that the proposal would give rise to a level of disturbance which would justify refusal.

Within the site, the dwellings have been set out with regard to the Design Guide Supplementary Planning Guidance. The majority of the dwellings will face the boundaries of the site where the primary windows will look out over the open countryside or towards the mature boundaries which ensures that they will not give rise to overlooking. Within the central area of the site, the rear of the properties will face inwards towards each other, however these properties have been designed with the living rooms to the front of the properties and therefore the distance of 9-15 metres set out under the SPG can be met (20metres distance between facing properties). Further to this, 1.8m close boarded timber fencing will be utilised as boundary treatment which will act as mitigation against any overlooking at a ground floor level.

Contributions

Large scale developments have potential to effect the capacity of local schools and therefore the education department were consulted to ascertain whether or not any financial contributions are required as part of the scheme. Having assessed the current capacity of local schools and the likely requirements of the development, it was concluded by the education department that a total financial contribution of £67,497 would be required which consisted of £49,028 towards primary aged pupils at Ysgol y Ffridd and £18,469 towards post 16 pupils at Ysgol Uwchradd Bodedern.

Policy ISA 5 states that for proposals of 10 or more dwellings in areas where existing open space cannot meet the needs of the proposed housing development, it will be expected to provide suitable provision of open spaces in accordance with the fields in Trust benchmark standards of 2.4 hectares per 1000 population. An SPG on Open Space in New Residential Development was adopted on the 22 March 2019. This provides guidance for undertaking an assessment over the need for open space provision within settlements. Policy ISA5 does acknowledge that in some circumstances on site provision may not be feasible. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. This obligation enables developers to make a contribution

towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space.

The calculation of costs is based on (i) FiT standards (which identify a level of provision per 1,000 population), and (ii) likely basic costs for the provision of open space provision. If the cost of providing the various categories of open spaces changes over time, the most recent cost framework will be used.

- Outdoor sport provision = $947.68\text{m}^2 \times \text{£}11.69 = \text{£}11078.38$
- Children's equipped play provision = $108.79\text{m}^2 \times \text{£}37.99 = \text{£}4132.93$

The financial contributions of £67,497 towards education and £15,211.31 towards open space will be secured by a S106 legal agreement.

Drainage Arrangements

The application was supported by the submission of a drainage strategy document which details the proposed methods of disposal of both foul and surface water. Surface water will be discharged into a suitably sized SuDS basin which will in turn run through a hydrobrake, controlling the rate of discharge of surface water to the final point of discharge into an existing water course. No response was received from the drainage department despite being consulted, but surface water drainage will receive closer scrutiny as part of the SuDS application none the less. Foul sewerage will be disposed of into the public sewerage network, which Dwr Cymru as the sewerage undertaker did not object to and were satisfied the the contents of the drainage strategy document along with the proposed point of connection. As such, it is considered that the drainage arrangements of scheme are acceptable.

Agricultural Land

The application site is located on what has been identified as good quality agricultural land – Grade 2. Criterion 6 of Strategic Policy PS6 (Alleviating and adapting to the effects of climate change) of the JLDP states that proposals have to fully take account of safeguarding the best and most versatile agricultural land.

Planning Policy Wales states that considerable weight should be given to protecting such land from development, because of its special importance. The best and most versatile land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

It is also noted that if best and most versatile land does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

As such, there is a need to consider the proposal against these factors and whether there is an overriding need for the development when considered against safeguarding the land. To this extent it is noted that an Agricultural Land Classification Report (ALCR) has been submitted with the planning application.

The ALCR concludes that the land is only used for grazing and has only moderate value in terms of the agricultural land classification of growing crops for food production. The report underlines that the land in question is Grade 3a, the soil type is clay loam, with restricted use with impeded drainage, with soil conditions that may limit safe groundwork and grazing.

As previously noted, criterion 6 of Strategic Policy PS6 (Alleviating and Adapting to the Effects of Climate Change) notes that proposals must give full consideration to protecting the best and most versatile agricultural land. Best and most versatile (BMV) agricultural land is defined in Planning Policy Wales as Grades 1, 2 and 3a, this is excellent to good quality land which is able to best deliver the food and non-food crops. The ALCR has undertaken a detailed survey of the site and concluded that the quality of the land reflects Grade 3a land which is considered best and most versatile agricultural land, however due to

the significant affordable need expressed by the housing department, it is considered there is an overriding need for the development.

Ecology/Landscaping

Under policy AMG 5 of the JLDP and the Councils Duty under the Environment Wales Act (2016), it is required that all proposals demonstrate a net gain to biodiversity. An ecological survey has been carried out on the site which identified its current ecological value together with making recommendations for mitigation and enhancement measures. Proposed enhancement features include landscaping, installation of bird/bat boxes together with the opening of hedgehog gaps inbetween the dividing timber fencing. These measures were considered acceptable by the local authority ecology officer and as such it is considered that the requirements of policy AMG 5 will be met. Conditions will be used to secure the landscaping together with the other mentioned enhancement features.

Neighbour Objections

As mentioned above, 119 letters of objection had been received at the department in response to the publicity afforded to the scheme. The issues raised can be summarised as below:

1. Scale of development would overload infrastructure
2. 1 bed flats will give rise to antisocial behaviour
3. Road from A5 is insufficient to accommodate additional traffic.
4. Ysgol y Ffridd has insufficient capacity
5. Doctor surgery will not be able to accommodate additional population
6. Insufficient foul drainage capacity to accommodate scheme.
7. Negative effect on welsh language.
8. Site access is sub-standard
9. Houses will be for rent only and not for local people to buy.
10. Over development of site
11. Site will serve wider Trecastell ward and not Gwalchmai itself.

In response to these points:

1. Suitable financial contributions will be obtained towards education and open space infrastructure. Betsi Cadwaladr were consulted but did not respond.
2. The units will be let out for social rent through North Wales Housing Association and 1 bed units are not inherently antisocial. Any antisocial behaviour will be dealt with through different regulatory processes outside of the planning function.
3. The Local Authority Highways department had no objections to the scheme and were satisfied with the access arrangements.
4. The education department had no objection to the scheme on the condition that a financial contribution of £67,497 was made towards education in the area, with £49,028 of that contribution going towards Ysgol y Ffridd.
5. Betsi Cadwaladr made no comments in relation to the scheme.
6. Dwr Cymru as the public sewer undertaker had no objections to the scheme and the surface water drainage will receive closer scrutiny as part of the SuDS application.
7. The local authority Welsh Language and Policy Manager had no objections to the scheme.

Conclusion

The department had concerns initially in regards to the scale of the development with respect to the small country village it is located within, however upon receipt of confirmation from the housing department that there is significant need for the development, it is not considered there is sufficient material planning reason to refuse on this basis. As such, the department are satisfied that the proposal is in accordance with all relevant national and local planning policies and no other material considerations point towards refusal of the scheme being necessary. Due to the above, the department are minded to recommend approval of the scheme.

Recommendation

That the application is permitted subject to the completion of a Section 106 Agreement and subject to the following conditions:

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- **Location Plan / 2947:21:1A**
- **Proposed Site Plan / 2947:21:3p**
- **Proposed Visibility Display and Highway Improvement / 0008 S1 P01**
- **Proposed 2 Bedroom Dwellings / 2947:21:5f**
- **Proposed 1 Bedroom Apartments / 2947:21:4f**
- **Soft Landscaping Proposals / 22/14/LP/01 Rev A**
- **Proposed 4 Bedroom Dwelling / 2947:21:7f**
- **Soft Landscaping Proposals / 22/14/LP/02 Rev A**
- **Proposed Section 104 Drainage Layout / 0006 S1 P01**
- **Proposed Areas / 0004 S1 P01**
- **Proposed 3 Bedroom Dwellings / 2947:21:6f**
-

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

(03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), the development permitted by Classes A, B, C, D and F of Part 1 of Schedule 2 are hereby excluded.

Reason: In the interests of residential and visual amenity.

(04) The site shall be landscaped strictly in accordance with the Landscaping plans (22/14/LP/02 Rev A ac 22/14/LP/01 Rev A) in the first planting season after completion or first use of the development, whichever is the sooner. The landscaping scheme shall be retained for the lifetime of the development hereby approved. Any trees or shrubs that are found to be dead, dying, severely damaged or diseased within five years of the carrying out of the landscaping scheme, shall be replaced in the subsequent planting season by trees and shrubs of the same species and size as those originally required to be planted.

Reason: In the interest of the visual amenity of the locality.

(05) A landscape management plan incorporating appropriate biodiversity enhancements, noting maintenance schedules for landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason: In accordance with PCYFF 4.

(06) In the event of any contamination being found, a suitable Remediation Strategy should be prepared for the site. The Remediation Strategy shall be submitted and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the Remediation Strategy.

Reason; To safeguard the amenities of future occupants.

(07) No surface water from within the development shall discharge onto the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(08) The turning area shall be completed in full accordance with the details hereby approved before work on the remainder of the development hereby approved is commenced and thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(09) The car parking accommodation shall be completed in accord with the details hereby approved before the use hereby permitted is commenced.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(10) The dwellings shall not be occupied until the estate road shown on plan 2947:21:BR2a has been constructed to the base course level.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(11) The access shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the highway with the surface water drainage system completed and fully operational before any dwelling is occupied.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

(12) The access shall be constructed with 2.4 metre by 70 metre splays on either side with the existing wall/fence/hedge along the highway boundary removed and replaced along the line of the vision splays where they lie within the curtilage of the site.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

(13) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan (CTMP). The CTMP shall include;

(i) The routing to and from the site of construction vehicles, plant and deliveries.

(ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;

(iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;

(v) Measures to minimise and mitigate the risk to road users in particular non-motorised users;
(vi) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;
(vii) The arrangements for loading and unloading and the storage of plant and materials;
(viii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;
The construction of the development shall be completed in accordance with the approved plan.

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

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application:

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.

Application Reference: HHP/2022/291

Applicant: Mr R Anthony

Description: Full application for the conversion of the garage into an annexe at

Site Address: Monfa, Holyhead Road, Mona



Report of Head of Regulation and Economic Development Service (Owain Rowlands)

Recommendation: Permit

Reason for Reporting to Committee

The planning application has been called into the Planning and Orders Committee at the request of Councillor Nicola Roberts due to local concern surrounding the application.

At the planning committee on the 5th April it was decided that a physical site visit should be undertaken. The site visit took place on the 26th April and members are now aware of the site and its settings.

Proposal and Site

The application presented is for alterations to the existing garage, together with its conversion into an annexe.

The application site is a detached bungalow located in an open countryside location along the A5 in Mona. The site is outside any development boundary or cluster as defined by the Joint Local Development Plan.

Key Issues

The key issues are whether the proposed scheme is acceptable, whether it complies with current policies, and whether the proposed development would impact any neighbouring properties.

Policies

Joint Local Development Plan

Policy AMG 2: Special Landscape Areas
 Policy PCYFF 2: Development Criteria
 Policy PCYFF 3: Design and Place Shaping
 Policy TRA 2: Parking Standards

Supplementary Planning Guidance - Design Guide for the Urban and Rural Environment (2008)

Technical Advice Note 12: Design (2016)

Planning Policy Wales (Edition 11, February 2021)

Response to Consultation and Publicity

Consultee	Response
Cynhorydd Geraint Ap Ifan Bebb	No response received
Cynghorydd Nicola Roberts	Called the application into the planning committee due to local concern.
Ymgynghorydd Ecolegol ac Amgylcheddol / Ecological and Environmental Advisor	The site is adjacent to a designated wildlife site, but is unlikely to have negative impacts. No ecological survey is needed, and advice was provided regarding external lighting. A bird box should be added to the proposed building as biodiversity enhancement.
Cyngor Cymuned Llangristiolus Community Council	Questioning whether this is a new development in the open countryside. Email confirmation was sent to the Community Council stating that a condition would be placed to ensure that the annexe is used ancillary to the main dwelling.
Priffyrdd a Trafnidiaeth / Highways and Transportation	Informatives for the applicant
Dwr Cymru Welsh Water	Informatives for the applicant

The proposal has been advertised through the distribution of personal letters of notification to the occupiers of neighbouring properties. The latest date for the receipt of representation was the 16/11/2022. At the time of writing this report, one letter of representation was received at the department.

The main comments raised were:

- Neighbours not notified of the application

- This is a resubmission of a previously withdrawn application with no apparent changes
- The property is no longer on Airbnb but is still listed on coolstays.com
- How can the annexe be for the applicants' parents if the property is a holiday let

In response to the issues raised:

- The comment was received the same day that the neighbour letters were posted
- The previous application was withdrawn at the request of the agent
- Confirmation has been received that the applicant lives at the property, and it is no longer a holiday let
- A condition will be placed that the annexe is used ancillary to the main dwelling

Relevant Planning History

36C357 – Full application for the demolition of the existing garage together with the erection of a new garage at Monfa, Mona, Bodffordd. Approved 19/06/2018.

HHP/2019/276 – Retrospective application for the retention of the store/workshop at Monfa, Mona, Bodffordd, Llangefni. Approved 31/12/2019.

HHP/2022/200 - Full application for the conversion of the garage into an annexe at Monfa, Holyhead Road, Mona. Withdrawn 08/08/2022.

Main Planning Considerations

The main planning considerations are whether the proposal complies with current policies, and whether the development would have any negative impacts on the area or any neighbouring properties.

Proposal and Site

The site is a detached bungalow located in an open countryside location along the A5 in Mona. The site is outside any development boundary or cluster as defined by the Joint Local Development Plan. The site also lies within the Special Landscape Area 'Malltraeth Marsh & Surrounds'.

The proposed scheme is for alterations to the existing garage, together with its conversion into an annexe.

The applications' main issues are:

- i. Siting and Design
- ii. Impact on Adjacent Residential Properties
- iii. Special Landscape Area and Ecology

i. Siting and Design

The proposal involves alterations to the existing garage together with its conversion into an annexe. The existing garage is located in close proximity to the rear elevation of the main dwelling. It is a rectangular building measuring approximately 10.8m by 7.5m, with a pitch roof at 5m in height. The footprint of the building will remain unchanged as part of this application.

Small amendments are proposed to the external appearance of the building to accommodate its conversion into an annexe. Both side elevations and the rear elevation will remain unchanged, with the existing double garage door on the front elevation being replaced by a single door with narrow glass panels on either side. These are small changes to the appearance, which are considered to have no impact on the design of the building. The building will remain integrated into the site, and is a high quality design in accordance with policy PCYFF 3.

The justification provided behind the proposed scheme is to provide annexe accommodation for the applicants' parents. A single storey building is required to cater their needs, and this annexe will bring them closer to the family. The annexe will share the same access, parking area and garden as the main

dwelling, and it is considered that they will form part of one residential unit. Concerns were raised during the consultation period that Monfa is a holiday let, listed on coolstays.com, who appear to be a subsidiary of the main letting agent Anglesey Holiday Lettings. The applicant has confirmed that he has lived in Monfa permanently since September 2022, and that the property is no longer a holiday let, which was also confirmed by the Council Tax department. Given the justification provided by the applicant, the Local Planning Authority are satisfied that the annexe will be used ancillary to the main dwelling, and a planning condition will secure that.

ii. Impact on Adjacent Residential Properties

The application site is in an open countryside location, with only a few nearby residential properties. Neighbouring property Indus House is located directly to the east, whilst Coedlys Mona is located to the west. The side window facing Indus House will be facing a high boundary wall, the rear windows will be looking into agricultural land, with the front windows facing the driveway. No issues of overlooking will arise from the change of use of the garage into an annexe.

Given the small scale nature of the development with only minor external changes, and as the annexe is to be used ancillary to the main dwelling, it is considered that the impact on neighbouring properties would be negligible. As such, it is considered that the application complies with policy PCYFF 2.

iii. Special Landscape Area and Ecology

The site is located near the edge of the Special Landscape Area (SLA) 'Malltraeth Marsh & Surrounds'. Policy AMG 2 of the JLDP states that when considering a proposal within SLAs, there will need to be an appropriate consideration to the scale and nature of the development, ensuring that there is no significant adverse detrimental impact on the landscape. The development should aim to maintain, enhance or restore the recognized character and qualities of the SLA. Given the small scale nature of the development it is not considered to have any impacts upon the qualities of the SLA.

In order to comply with the Environment Wales Act (2016), all planning applications must show overall biodiversity enhancement. In regards to this application, two bird boxes will be installed on the building. This is considered to provide overall biodiversity enhancement, and complies with the requirements of the Environment Wales Act.

Conclusion

This is an application to convert the existing garage into an annexe for the applicants' parents. The justification provided is considered sufficient, with the small external changes proposed not considered to impact the character of the building. The small scale nature of the development and the ancillary use to the main dwelling ensures that the development will have negligible impacts upon its neighbouring properties, and that their privacy and amenities are maintained.

Recommendation

That the application is permitted subject to the following conditions:

(01) The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

(02) The development hereby permitted shall be carried out in strict conformity with the details shown on the plans below, contained in the form of application and in any other documents accompanying such application unless included within any provision of the conditions of this planning permission.

- Existing site plan

- **Location plan**
- **Proposed end elevations**
- **Proposed front & rear elevations**
- **Proposed floor plan**
- **CDP-Annexe-001: Planning Justification Statement**

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

(03) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on land outlined in red on the location plan submitted under planning application reference HHP/2022/291.

Reason: For the avoidance of doubt

The development plan covering Anglesey is the Anglesey and Gwynedd Joint Local Development Plan (2017). The following policies were relevant to the consideration of this application: AMG 2, PCYFF 2, PCYFF 3, TRA 2

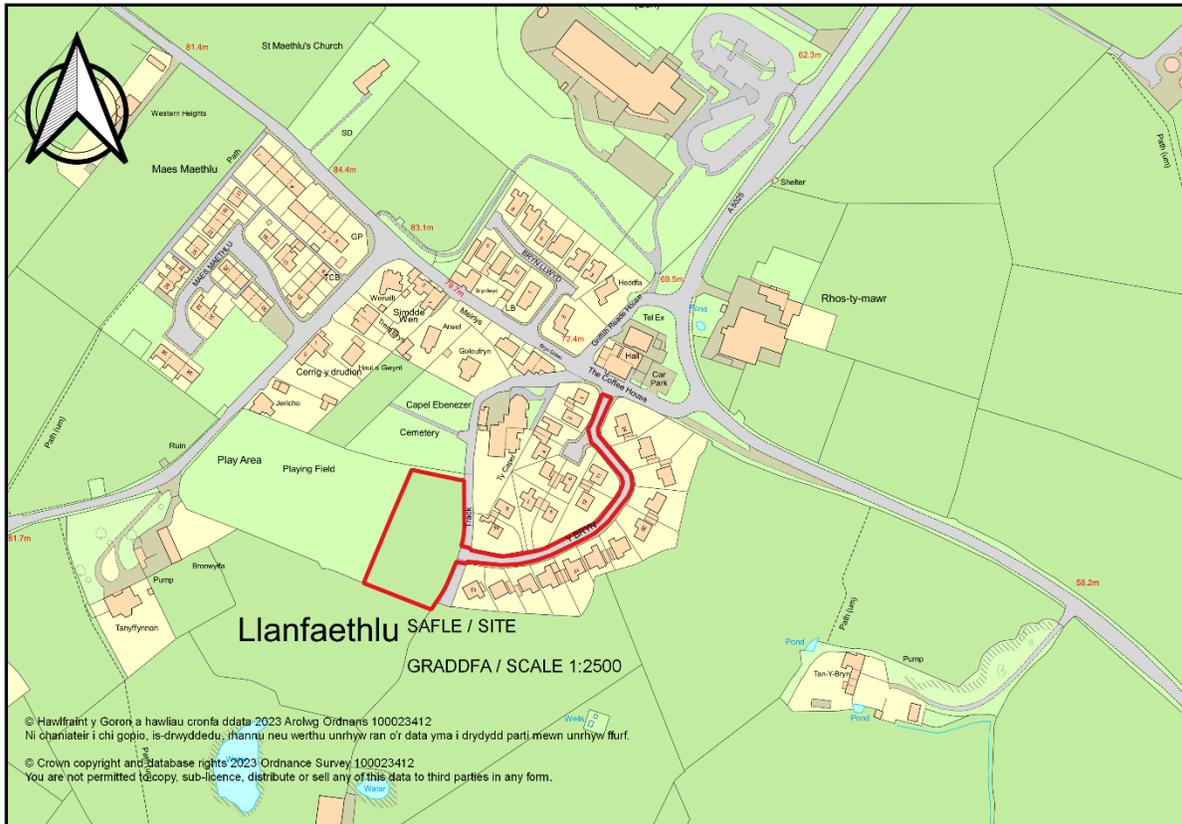
In addition the Head of Service be authorised to add to, remove or amend/vary any condition(s) before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/development.

Application Reference: FPL/2020/247

Applicant: Mr Nigel Ingram

Description: Full application for the erection of 9 dwellings together with associated works on land adjacent to

Site Address: Bryn Estate, Llanfaethlu



Report of Head of Regulation and Economic Development Service (Iwan Jones)

Recommendation: Permit

Reason for Reporting to Committee

The application was originally called to the planning committee by a Local Member Kenneth Hughes.

It was resolved to approve the planning application at the April 2021 Planning Committee subject to conditions and the completion of a legal agreement. Following this resolution an amended ownership certificate C was submitted by the applicants giving notice to the council as landowner. The application was subsequently referred back to the July 2021 committee in which it was approved.

The legal agreement has yet to be completed, however amended plans have been received. It is considered necessary to publicise, consult and report to the planning committee in light of these proposed changes.

Further to the latest consultation and publicity, Local Member Llinos Medi Huws has called the application to the planning and orders committee.

The application was deferred at the April 2023 Planning and Orders Committee.

Proposal and Site

The application site adjoins the south west of Llanfaethlu and it adjoins and is accessed through Y Bryn residential Estate. There is an access track along the eastern boundary which forms part of the route of a Public Right of Way. There are 3 listed buildings adjacent at Capel Ebenezer to the north east. Part of the village adjacent is within an Area of Outstanding Natural Beauty "AONB".

This is a full planning application for 9 dwellings comprising 7 detached and two semi-detached houses. The housing mix of the development is as follows:

Five 3 bedroom detached
Two 3 bedroom detached
One 3 bedroom affordable
One 2 bedroom affordable.

The application site encompasses part of the track along the eastern boundary of the application site and a new road and pavement is proposed connecting with the public highway leading through Y Bryn. The planning application is being reported back to the planning committee as the applicant has now submitted amended plans which seeks to make amendments to the surface water drainage arrangement.

Key Issues

Whether or not the amended drainage plans are acceptable and would have a detrimental impact upon the surrounding area.

Policies

Joint Local Development Plan

PS 1: Welsh Language and Culture
ISA 1: Infrastructure Provision
PS 4: Sustainable Transport, Development and Accessibility
TRA 2: Parking Standards
TRA 4: Managing Transport Impacts
PS 5: Sustainable Development
PS 6: Alleviating and Adapting to the Effects of Climate Change
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
TAI 4: Housing in Local, Rural and Coastal Clusters
TAI 8: Appropriate Housing Mix
AMG 1: AONB Management Plans
AMG 3: Protecting and Enhancing Features and Qualities that are distinctive to the local Landscape Character

AMG 5: Local Biodiversity Conservation
 PS 19: Conserving and where appropriate Enhancing the Natural Environment
 PS 19: Conserving and where appropriate Enhancing the Natural Environment
 PS 20: Preserving and where appropriate enhancing heritage assets

Planning Policy Wales (Edition 11)
 Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)
 Technical Advice Note 5 (TAN): Nature Conservation and Planning (2009)
 Technical Advice Note (TAN) 12: Design (2016)
 Technical Advice Note (TAN) 18: Transport (2007)
 Technical Advice Note (TAN) 20: Planning and the Welsh Language (2017)
 Technical Advice Note (TAN) 23: Economic Development (2014)
 Technical Advice Note (TAN) 24: The Historic Environment (2017)

Supplementary Planning Guidance IOCC Deign Guide for the urban and Rural Environment (2008) “SPG Design Guide”
 Supplementary Planning Guidance Parking Standards (2008)
 Supplementary Planning Guidance Planning Obligations (Section 106 Agreements) (2019)
 Supplementary Planning Guidance Housing Mix (Oct 2018)
 Supplementary Planning Guidance Affordable Housing (April 2019)
 Supplementary Planning Guidance (SPG) ‘Maintaining and Creating Distinctive and Sustainable Communities’ (July 2019)

Isle of Anglesey AONB Management Plan 2015-2020.

Response to Consultation and Publicity

Consultee	Response
Ymgynghoriadau Cynllunio YGC	No Objection – Informative should be included as part of any permission to ensure that a section 268 highways consent for the drainage works within highways should be secured.
Dwr Cymru Welsh Water	No objection. No further comments to those previously provided
Priffyrdd a Trafnidiaeth / Highways and Transportation	SAB approval has been granted for the proposed development
Cyngor Cymuned Llanfaethlu Community Council	No Response at the time of writing report
Cyfoeth Naturiol Cymru / Natural Resources Wales	No further comments
Cynghorydd Jackie Lewis	No Response at the time of writing report
Cynghorydd Llio Angharad Owen	No Response at the time of writing report
Cynghorydd Llinos Medi Huws	Application refereed to the Planning and Orders Committee. Concerns raised with respect to affordable housing and whether there is sufficient capacity within the existing surface water and sewage system to accommodate the proposed development.

Following the submission of amended plans the planning application was re-advertised and notification period expires on the 05/04/2023. A press advert was also issued which will expire on the 14/04/2023. At

the time of writing this report two correspondence have been received by the Local Planning Authority in response to the latest publicity. The comments are summarised as follows:

- Concerns with respect to highway safety and the increase the traffic along the estate road. It is considered that the estate road and access are unsuitable for the prosed development.
- Concerns with respect to land ownership.
- Concerns whether there is sufficient capacity within the existing surface water and sewage system to accommodate the proposed development.

Relevant Planning History

S106/2022/7 - Application for the deletion of Section 106 Agreement in relation to affordable housing of planning permission 29C112B/VAR at Bryn Estate, Llanfaethlu -Withdrawn 17/03/2023

FPL/2020/247 - Full application for the erection of 9 dwellings together with associated works on land adjacent to Bryn Estate, Llanfaethlu – Permitted by planning committee subject to legal agreement – 07.07.2021 (Legal agreement not completed and permission not formally issued)

RM/2019/4 - Application for reserved matters for the erection of 6 dwellings on land at - Bryn Estate, Llanfaethlu - Permit 21.08.2019.

DIS/2019/60 -Application to discharge condition (05) (Slate trade description) (06) (External surface material trade descriptions) (13) (Surface water drainage) of planning permission 29C112B/VAR on land at - Stad Bryn Estate, Llanfaethlu - Condition Discharged / Not Discharged 21.08.2019.

DIS/2019/102 -Application to discharge condition (13) (scheme of surface water) of planning application 29C112B/VAR (erection of 6 dwellings) on land at Bryn Estate, Llanfaethlu – Condition Partially Discharged 25.10.2019.

29C112B/VAR Application under Section 73 for the variation of condition (02) of planning permission reference 29C112A (renewal of planning permission reference 29C112 for the erection of 6 dwellings on land adjacent to) so as to extend the outline planning permission by a further three years together with the deletion of conditions (25), (26) and (27) (Code for Sustainable Homes) on land aqt Bryn Estate, Llanfaethlu - Conditionally Approved 01.11.2017.

29C112A - Renewal of planning permission reference 29C112 for the erection of 6 dwellings on land adjacent to Y Bryn, Llanfaethlu- Conditionally Approved 07.12.2012.

29C112 - Outline application for the erection of 6 dwellings (revised layout and mains drainage in lieu of treatment plants) together with alterations to the existing vehicular access and associated highway improvement on land adj Y Bryn, Llanfaethlu - Conditionally Approved 14.12.2007.

Main Planning Considerations

Background:

Outline planning permission was initially granted in 2007 for the development of 6 residential units on the application site. A reserved matters application was also subsequently granted and pre commenced condition discharged. Although no formal CLEUD application has been granted, it appears that works have commenced at the site within the statutory time period, securing the planning permission. The principle of developing the application for 6 residential units would appear to have been established. The planning application subject to the current application increases the number of units by 3 to 9 and the acceptability of the principle of the development is considered in relation to the development plan below.

On the 7th July, 2021 the Planning and Orders Committee resolved to approve the application subject to a legal agreement requiring the provision of two affordable housing units. Since the resolution, work has

been ongoing with respect to the drafting of the legal agreement however no decision has been issued by the Local Planning Authority.

The applicant now seeks to make amendments to the application, specifically to the surface water drainage system. Since the principle of development and other material considerations have previously been considered acceptable subject to conditions and a legal agreement, the only element which will require consideration is with respect to the amended detail.

Foul and Surface Water Drainage

As part of the previously approved scheme foul and surface water drainage proposed to be connected at points in the public highway adjacent at Y Bryn.

No change is being proposed to the foul drainage. However with respect to surface water drainage, rather than the surface water drainage being connected to the existing drainage network, the pipework would instead be connected to an existing surface water drainage gulley that is within the control of the Local Authority that is positioned within the highway a short distance to the east of 1 Y Bryn.

Due to the size and nature of the development, the proposal requires approval of Sustainable Drainage Systems (SuDS), in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'.

As such, an application (reference YM2021SAB05) has already been submitted and approved by the Isle of Anglesey County Council as the determining SuDS Approval Body (SAB). These details granted by the SuDS application incorporates the same proposed drainage details which have submitted as amended drawings.

Conclusion

The principle of development has previously been accepted by the Planning and Orders Committee subject to conditions and a legal agreement. Having regard to the development plans and all material considerations the amended drawings relating to drainage arrangements are considered acceptable.

Recommendation

That planning permission is granted subject to the completion of a legal agreement requiring the provision of two affordable housing units and to the following planning conditions:

(01) The development hereby permitted shall be begun before the expiration of (five) years from the date of this permission.

Reason To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

(02) 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:

Site Location Plan A-00-11 rec 01

Site Topographic Survey A-00-01

Proposed Site Layout A-00-03 03

Proposed Plans and Elevations 3 bed Detached Dwelling plots 8 and 9 A-03-01

Proposed Plans and Elevations 3 bed detached dwelling plots 1-5 A-03-05

Proposed plans and elevations for 2/3 bed affordable dwellings plots 6 and 7 A-03-08

Proposed Drainage Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0001 S1 P07

Proposed Section Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0001 S1 P04

Proposed SAB Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P03

**Proposed SAB Offsite Works Layout - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P01
Surface Water Drainage Sections - 004820 CCE V1 XX 40:40:01 C 50:30 0007 S1 P03
Ecological Assessment & Reptile Surveys (5th January 2020 (V2) Cambrian Ecology**

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

(03) If contamination is encountered in the implementation of the development hereby approved it shall be fully assessed in an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The relevant parts of the application site shall thereafter be remediated in accordance with the remediation scheme as may be approved under the provisions of this planning condition.

Reason To ensure that any contaminants present have been remediated to safeguard occupants and users of the development.

(04) Notwithstanding the plans hereby approved no development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The proposed development shall be constructed in conformity with the slab and proposed ground levels as may be approved under the provisions of this planning condition.

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

(05) The means of enclosure (including walls and fencing) shown on the plans hereby approved shall be constructed or erected prior to the occupation of the dwelling(s) to which they relate and shall thereafter be retained in the lifetime of the development hereby approved and any replacement means of enclosure (including walls and fencing) shall be to an equivalent specification to that approved under the provisions of this planning condition.

Reason To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to protect the amenities of the area.

(06) No other part of the development hereby approved shall commence until full details of the measures to eradicate "montbretia", which shall be in accord with the options in section 9 of the Ecological Assessment & Reptile Surveys (5th January 2020 (V2) Cambrian Ecology and include a timetable and a report on the monitoring and the effectiveness of the measures to be implemented to eradicate "montbretia" has been submitted to and approved in writing by the Local Planning Authority. The eradication of "montbretia" on the application site shall thereafter be undertaken strictly in accord with the details as may be approved under the provisions of this planning condition.

Reason To ensure that non-native invasive species are eradicated in accord with the approved details.

(07) Notwithstanding the landscaping plans hereby approved no development shall commence until plant density numbers are submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accord with the details approved under the provisions of this condition and the landscaping plans hereby approved "Landscaping Scheme".

Reason In the interests of the visual amenities of the area and to secure an ecological enhancement

(08) 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 similar species, size and maturity.

Reason In the interests of the visual amenities of the area and biodiversity.

(09) No development shall commence until a Construction Environmental Management Plan “CEMP” has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include general environmental provisions relating to the construction of the development hereby approved and, as a minimum, shall include detail of:

Full specification(s) of external lighting (if any)

Working hours during the construction

Dirt and dust control measures and mitigation

Noise, vibration and pollution control impacts and mitigation;

Water quality and drainage impacts and mitigation.

Height, specification and colour of safety all fencing and barriers to be erected in the construction of the development hereby approved.

The development hereby approved shall be undertaken in accordance with the approved CEMP.

Reason: To safeguard against any impact the construction of the development may have on the environment and local amenity.

(10)

a) No development (including trial pitting, topsoil strip or other groundworks) 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 hereby shall be carried out and all archaeological work completed in strict accordance with the details as may be approved in writing by the Local Planning Authority.

b) A detailed report on the archaeological work, as required by condition 13 (a), shall be submitted to and approved in writing by the Local Planning Authority within twelve months of the completion of the archaeological fieldwork.

Reasons: 1) To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales 2016 and TAN24: The Historic Environment.
2) To ensure that the work will comply with Management of Archaeological Projects (MAP2) and the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA).

(11) No dwelling hereby approved shall be occupied until full design details for the lighting of the estate road have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented and is fully operational.

Reason: In the interests of safety and security to ensure there is safe and convenient access to occupied properties.

(12) The car parking accommodation for each dwelling shall be completed in full accordance with the details as shown on the approved drawings before the dwelling to which the car parking accommodation relates is occupied and shall thereafter retained solely for those purposes.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in the interests of safety.

(13) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority, a Construction Traffic Management Plan “CTMP”. The CTMP shall include;

- (i) The routing to and from the site of construction vehicles, plant and deliveries.**
- (ii) The type size and weight of construction and delivery vehicles to be used in connection with the construction of the development, having regard to the geometry, width, alignment and structural condition of the highway network along the access route to the site;**
- (iii) The timing and frequency of construction and delivery vehicles to be used in connection with the development, having regard to minimising the effect on sensitive parts of the highway network and construction routes to the site, including regard for sensitive receptors e.g. schools and network constraints;**
- (iv) Measures to minimise and mitigate the risk to road users in particular non-motorised users;**
- (v) The arrangements to be made for on-site parking for personnel working on the Site and for visitors;**
- (vi) The arrangements for loading and unloading and the storage of plant and materials;**
- (vii) Details of measures to be implemented to prevent mud and debris from contaminating the adjacent highway network;**

The construction of the development shall be completed in accordance with the CTMP as may be approved under the provisions of this planning condition.

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

(14) No development shall take place until measures are in place to secure the future maintenance of the estate road in the development hereby approved have been submitted to and approved in writing by the local planning authority. The future maintenance of the estate road in the development hereby approved shall thereafter be undertaken strictly in accord with the details as may be approved under the provisions of this planning condition.

Reason: To comply with the requirements of the Highway Authority, in the interests of safety and amenity to ensure there is safe and convenient access to occupied properties for the lifetime of the development.

(15) Notwithstanding the plans hereby approved no development shall commence until a surface water drainage scheme for the development including all on and off site plans and specifications have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the surface water drainage scheme as may be approved under the provisions of this planning condition has been implemented and is fully operational for the dwelling to which it relates.

Reason: To comply with the requirements of the Highway Authority and in the interests of safety and amenity of future occupiers to ensure there is adequate drainage of the highway and the development.

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.