

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/07/21

**gan Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/8/21

Appeal Decision

Site visit made on 13/07/21

**by Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 27/8/21

Appeal Ref: APP/L6805/A/21/3273705

**Site address: Land adjacent to Cae Rhos Estate, Ffordd Porthdafach Road,
Caergybi/Holyhead**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs David, Tom and Barbara Nevin and Earnshaw against the decision of Isle of Anglesey County Council.
- The application Ref: 19C1231 dated 25 May 2018, was refused by notice dated 18 December 2020.
- The development proposed is described as an 'Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout'.

Decision

1. The appeal is allowed, and planning permission is granted for an 'Outline application for the erection of 32 market dwellings and 4 affordable dwellings, construction of new vehicular and pedestrian access, provision of play area and open spaces together with full details of access and layout', in accordance with the terms of the application, Ref: 19C1231 dated 25 May 2018, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Mr and Mrs David, Tom and Barbara Nevin and Earnshaw against Isle of Anglesey County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the proposed development has altered from that originally referred to on the planning application form; I have used the amended description for the proposal as stated on the Council's refusal reason and copied it into the above heading. I note the description of the site address on the planning application form differs slightly to that stated on the Council's refusal notice; I have used the latter description, as copied into the banner heading above as I consider it is more precise.

4. As noted above the planning application is submitted in outline with all matters, except for access and layout, reserved for later determination. The application submission indicates the access details and the layout for 36 dwellings.
5. In support of the proposal the Appellants have submitted a Section 106 Unilateral Undertaking (UU) that makes provision for a financial contribution in regard to educational provision and a financial contribution in regard to the provision of a Traffic Regulation Order (TRO).

Main Issue

6. The effect of the development on the transport network and highway safety, with particular reference to traffic conditions at the northerly end of Porthdafarch Road between Tan yr Efail junction and Kingsland Road.

Reasons

7. The irregular shaped appeal site comprises some 1.76 hectares of agricultural land located on the south western approach to the settlement of Holyhead. The site is situated along Porthdafarch Road which leads in an easterly direction to Kingsland Road beyond which lies junction 2 of the A55 expressway.
8. There is an existing dry stone wall and hedgerow along the site frontage with Porthdafarch Road. The south western boundary of the site abuts an Area of Outstanding Natural Beauty (AONB). The appeal site is abutted to the north east by a residential estate known as Cae Rhos and to the south west by a residential property called Rowen. There are public footpaths on the opposite side of Porthdafarch Road and to the south east leading from the Cae Rhos estate.
9. The proposal would access onto Porthdafarch Road from a single access point. The proposal is located on a site allocated for residential development in the adopted Anglesey and Gwynedd Joint Local Development Plan (JLDP) and is within the settlement boundary of Holyhead.
10. The Council's refusal reason states the additional traffic generated by the proposal would add to existing delays and congestion at the northerly end of Porthdafarch Road between Tan yr Efail and Kingsland Road that would be detrimental to the free flow of traffic and road safety.
11. The Appellant's evidence¹ indicated the following:
 - There was no evidence of any material or significant delays or congestion as a result of the proposed development;
 - The proposal would result in 1 additional vehicle on the highway network every 3 minutes during the peak morning and afternoon periods, based on a worst case scenario that all traffic would pass through the area referenced in the Council's refusal reason, however it is pointed out that in reality any additional vehicles may not necessarily pass through this area as they may travel to/from the west of the site access, or may travel along Arthur Street from Kingsland Road instead. The proposed traffic levels from the site were generated by the industry standard

¹ As supported by application documents such as Technical Note from SCP dated 14 June 2019, Technical Note from SCP dated 4 May 2020, Technical Note from SCP dated 14 September 2020, Appendices 1-6 of the Appellant's appeal statement.

TRICS database which indicated there would not be any material change to the existing situation on the road as it would be barely perceptible during peak times; and,

- The most recent 5-year accident records for the whole of Porthdafarch Road indicate one incident along the 1.5 mile length of road when a car hit a pedestrian crossing the mouth of Porthdafarch Road at the junction with Kingsland Road. There have been no accidents during peak hours and no accidents in the vicinity of the site or the on-street parking along Porthdafarch Road; the accident record is regarded as excellent² with no current evidence of recorded road safety concerns.

12. The Council maintain that additional traffic generated by the proposal would add to the existing delays and congestion at the northerly end of Porthdafarch Road between Tan yr Efail junction and Kingsland Road, however this is at odds with the technical evidence presented by the Appellants which in broad terms found the existing level of congestion and traffic conflict to be minimal due to the low level of traffic flows, availability of passing opportunities, and that the minimal delays on the whole ran into seconds for those cars waiting for another vehicle to pass; this broadly reflected my experience during the appeal site visit.
13. On the whole, the Council's advice from their appointed Highway Consultants (ARUP report)³ reinforced a lot of the findings of the Appellant's technical evidence. The ARUP report confirmed that Porthdafarch Road currently operates effectively in terms of driver delay with limited queuing on the road, that the informal use of passing places around parked cars along Porthdafarch Road operated effectively in capacity terms and that there was spare parking capacity on Porthdafarch Road which allows for passing opportunities; all comments were caveated with the observation that any potential increase in traffic *could* (my emphasis) impact on the operation and use of the road. In terms of peak hours traffic related movements from the proposed development along Porthdafarch Road the ARUP report reflected the findings of the Appellant's 'Technical Note' i.e. around 1 additional vehicle every 3 minutes in the busiest hour of the day; once again this finding was caveated with the comment that the increase in traffic flows *could* have a potential adverse impact on the operation of the road.
14. The ARUP report drew attention to an existing issue where during the 24-hour survey period of Porthdafarch Road, the survey indicated 19 incidents of vehicles reversing due to vehicle conflict along the stretch of road and of these, 6 vehicles mounted the pavement; such behaviour was considered to present a potential risk to vulnerable road users especially as the footpaths are narrow. The report stated the increase in traffic from the proposal would heighten the potential for conflict to occur which could increase the occurrence of undesirable manoeuvres.
15. As discussed above the ARUP report reinforced significant elements of the findings of the Appellant's technical evidence e.g. limited driver delay, and whilst reservations were raised there was little in the way of explanation as to how the additional level of traffic generated from the proposal would materially or meaningfully affect highway matters or challenge the Appellant's technical evidence.

² The ARUP report at para 3.1.3 confirms the Appellant's findings in terms of recorded accidents

³ Report from ARUP titled Transport and Highways Review dated 16 March 2020.

16. I consider the 19 incidents referred to above are negligible when compared to the number of overall vehicle movements of about 1700 during the 24-hour period studied; the figure for actual vehicles mounting the footway is significantly even less. Whilst the ARUP report refers to narrow local footpaths which combined with vehicles mounting the footway *could* (my emphasis) present a serious highway safety issue, however, again little in the way of meaningful explanation is given to potential harm as a result of the proposed development, and their overall conclusion appeared very much at odds with their earlier comment on this matter, expressing the view that 'given the forecast increase in traffic it would *not* be expected to present a *serious road safety issue*' (my emphasis).
17. Notwithstanding the above, the ARUP report referred to potential mitigation in the form of the implementation of a TRO to formalise passing places on the western side of Porthdafarch Road to safely and efficiently accommodate additional traffic from the development; it was explained this would also minimise potential incidents of drivers reversing or mounting the pavement.
18. In the Council report to the planning committee dated 5 August 2020 the Council Highways Section concluded that on the basis of the findings of the ARUP report and having provided the Appellants with an opportunity to comment and submit their own assessment of the survey results, the Council's Highways Section were of the opinion that the increase in traffic from the development was significant on a highway where there is existing danger and was unacceptable without an improvement that would reduce this danger. Once again little in the way of meaningful explanation was given to substantiate the stance the Council officers took at this point considering the findings of the technical evidence presented by both the Appellants and within the ARUP report.
19. Bearing in mind the level of 'incidents' identified, the recorded road safety record⁴ along Porthdafarch Road, and the limited forecast increase in traffic as a result of the development, particularly so during peak hours, and notwithstanding the fact that mounting the footway as described is illegal in any event, I do not consider the proposal would materially add to the 'situation' identified in the ARUP report or support the stance the Council took on 5 August 2020 in terms of the increase in traffic generated by the proposal posing any significant risk to highway safety.
20. In short, over a period of a number of months and having discussed the scheme at the planning committee, the Council's position as advocated by officers was that without some form of improvement/mitigation then the proposal was unacceptable from a highway perspective. At the September planning committee, the Council's highway section withdrew their objection to the planning application, and it was resolved by the planning committee to approve the planning application. The Council's highways section withdrew their objection conditional upon a requirement for a TRO for a one-way system requiring that vehicles only travel in a northerly direction along Porthdafarch Road from the junction of Arthur Street to the junction with the B4545 Kingsland Road. From Kingsland Road vehicular access south along Porthdafarch Road then would only be permitted via Arthur Street which is already one way only south towards Porthdafarch Road. The scheme was presented back to a later planning committee in 2020 with the same recommendation.

⁴ In this respect I appreciate there may have been other incidents that may have went unrecorded, however, the recorded incidents reflect those cases which resulted in injury and can be factually evidenced.

21. The Appellants position during the course of the application and as confirmed in the appeal documentation is that they have never considered that any mitigation was required in terms of the need for a TRO and one way system at the northern end of Porthdafarch Road; based on the evidence and my site observations I have no reason to take a different view. However, notwithstanding their view that mitigation was not needed, the Appellants sought to work with the Council and seek a pragmatic solution to allay concerns and offered to fund additional parking restrictions along Porthdafarch Road to introduce gaps in the parking that could be used as formal passing opportunities, or the possible introduction of a one-way system as referred to in the Council's refusal decision over a section of Porthdafarch Road - both options were rejected by the Council.
22. Notwithstanding the Council's views in regards to the proposed one-way system, and the Appellant's willingness to work with the Council, ultimately my considerations in this appeal process are whether any form of mitigation has been justified on highway safety grounds, and in this instance, the evidence clearly indicates there is no justification for mitigation in any form be that a one-way system or any other restriction; it would be unreasonable and unnecessary to require such mitigation as part of this appeal process.
23. The Council's appeal statement, in regard to existing delays and congestion, as supported by local residents, is overwhelmingly anecdotal in nature and is at odds with the raft of technical evidence referred to above. The Council have provided no meaningful or substantive evidence, technical or otherwise to support their stance in terms of the reason for refusal, to require mitigation, or otherwise challenge the findings of the Appellants highway technical reports and associated findings.
24. The Council refer to heavy good vehicles adding to 'the problem' in and around Porthdafarch Road area, however, the proposed residential development once complete is highly unlikely to generate any HGV movements, save for occasional removal lorries etc. Any HGV's, whilst visiting the site during construction works could be subject to Council approval and managed via a 'Construction Traffic Management Plan'.
25. In support of their case the Council refer to the Appellants offer of a car park to enable local residents to park their vehicles off the road which it is argued is an acknowledgement by them that the proposal would add to existing difficulties. Notwithstanding my comments above regarding the lack of justification for any mitigation measures, the Appellants confirmed that such an offer was made to try and overcome local concerns but ultimately that was not acceptable to the Council.
26. It is also worth noting that the appeal site is allocated for residential purposes in the JLDP, and that as part of that process the adequacy of the highway network serving the development would have likely been assessed in preparing the plan. It is also material that in terms of potential traffic to be generated from the site that the number of dwellings proposed at 36 is approximately 30% less than that forecast in the JLDP.
27. Pulling the threads of the above together, the Appellants evidence indicates the levels of traffic from the appeal site would be highly unlikely to materially affect the current situation along the northern end of Porthdafarch Road in regard to existing delays and congestion and the overall free flow of traffic, which when read in addition to other technical evidence as submitted by the Council, indicates to me that the refusal reason lacks any substance. The Council have provided no significant or meaningful technical

evidence to indicate the proposed development would be detrimental to highway safety, therefore I do not consider the proposal would be contrary to Planning Policy Wales Edition 11 or Technical Advice 18: Transport.

Other Matters

28. Third party concerns have been raised in regard to matters such as the need for housing, who will occupy the houses, impacts on character and appearance of the area, and impacts on ecology.
29. The site is allocated in the JLDP for residential development where such provision is already considered acceptable in principle. The Council's Housing Service confirm that they are satisfied with the housing mix proposed in the development, with 4 dwellings being allocated and retained to meet affordable needs.
30. I note the Council have raised no objections to the impact of the proposal upon the immediate area or AONB, based on the submitted details and my site observations I have no reason to take a contrary view.
31. In terms of ecology, neither the Council or Natural Resources Wales raised any objections to the proposal and based on the submitted details there is no substantive evidence to indicate that these matters or any others would be adversely affected by the proposal.
32. I note that as part of the Council's appeal 'bundle' a separate report from ARUP was referred to which assessed the cumulative impact of the appeal proposal and the potential development of a nearby school site. The Appellants have pointed out that the school site is not allocated for housing, that a planning application has not been submitted in relation to it nor has it been subject to a pre-application discussion process and that vehicular access to the school site when the school was operational was from the north using Treseifion Road with a no through route onto Porthdafarch Road. In the absence of any other substantive evidence to indicate otherwise it appears there are no firm proposals for the school site at this stage and therefore I have given the separate report from ARUP no weight in this appeal process.

Conditions and Obligations

Conditions

33. I have considered the Council's suggested conditions in light of the advice within Welsh Government Circular 16/14: The Use of Planning Conditions for Development Management (the Circular). I find the bulk of them reasonable and necessary for the reasons provided, subject to minor amendments to align them with the Circular. As the application is in outline, I have added the relevant time limit conditions as opposed to the standard stand-alone five-year condition suggested by the Council. In terms of the condition relating to the TRO, this is not necessary for the reasons previously stated and therefore has been deleted. I have also included an additional condition that reflects the Circular in terms of provision of affordable housing but amended to reflect the required number of affordable units; this negates the need for the matter to be addressed via a legal agreement as suggested by the Council in their planning committee report.
34. The Council's planning committee report dated 2 December 2020 refers to a planning obligation to address open space provision and an equipped play space including details of the maintenance and long-term management of these areas and associated

boundaries being approved by the Council prior to their use. The Appellants have indicated this matter be addressed via a planning condition; I agree. I have addressed the matter via a suitably worded planning condition and have added the condition to the schedule of conditions below.

Obligations

35. I note the Council's planning committee report states that the 'Education Section' have confirmed that a financial contribution would be required towards providing additional year 12 and 13 pupil capacity at Holyhead High School and on this basis a financial contribution of £73,542 would be required. As part of the submission for the submitted UU, the Appellants submitted an additional document from the Council's 'Learning Service' dated 15 July 2021 which confirmed that a contribution of £18,469 was required. I invited the Council to make comment on the contents of UU and supporting document; no objections were raised to its contents. In the absence of any other evidence to indicate otherwise, it appears to me that the contribution referred to in the updated correspondence from the Council's Learning Service is appropriate; this is the figure stated in the UU. I consider that the obligation relating to the educational contribution is necessary, is related to the proposed development, and related in scale and kind, and therefore meets the appropriate tests set out in Section 122(2) of the Community Infrastructure Levy Regulations 2010.
36. However, for reasons as previously discussed, the need for a TRO has not been justified on planning grounds and is therefore not necessary. The obligation relating to a contribution for a TRO does not meet the appropriate tests set out in Section 122(2) of the Community Infrastructure Levy Regulations 2010 as it is not necessary to make the development acceptable in planning terms, and as it is not therefore a material planning consideration, I will not give it any weight; the submitted UU addresses such an eventuality.
37. Accordingly, for the reasons given above, in terms of education contribution, the UU should be afforded weight in the determination of the appeal.

Conclusions

38. After taking account of all the evidence before me, I conclude for the reasons given above that the proposal would not be detrimental to the transport network or highway safety and accords with PPW 11 and TAN 18. The appeal should be allowed subject to the conditions identified below.
39. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (the Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990.

4. 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:
 - Location/ Block Plan Existing 1461-A3-01
 - Location/ Block Plan Existing 1461-A3-02
 - House Type A (Gogarth) Proposed Elevations 1461-A3-03
 - House Type A (Gogarth) Proposed Ground Floor Plan 1461-A3-03
 - House Type A (Gogarth) Proposed First Floor Plan 1461-A3-05
 - House Type B (Piscar) Proposed Elevations 1461-A3-06
 - House Type B (Piscar) Proposed Floor Plan 1461-A3-07
 - House Type D Proposed Elevations 1461-A3-08
 - House Type D Proposed Ground & First Floor Plan 1461-A3-13
 - Typical cross section through Road/ boundary wall 1461-A3-13
 - Location/ Block Plan Proposed 1461-A3-14
 - Proposed Landscape Strategy Plan 2019048/LSP/01
 - Reptile and Breeding Bird Survey (January 2020) Egniol
 - Technical Note (14 June 2019) SCP
 - Design and Access and Planning Statement (22 January 2020) Cadnant Planning
 - Habitat Assessment for Choughs (September 2018) Egniol.

Reason: To ensure that the development is implemented in accordance with the approved details and in compliance with policy PCYFF 3 of the JLDP.

5. If contamination is encountered in the implementation of the development hereby approved, it shall be fully assessed in an appropriate remediation scheme which 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 scheme of remediation 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 and in compliance with policy ISA 1 of the JLDP.

6. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the development being brought into use and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment and in the interests of ecology in compliance with policies ISA 1 and AMG 5 of the JLDP.

7. No development shall take place until details of the proposed slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land have been submitted to the local planning authority for approval. The proposed development shall be constructed in accordance with any subsequently approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and in compliance with policy PCYFF 3 of the JLDP.

8. No development shall commence until full details of all external materials (including roofing materials) and finishes (which shall include such details for all buildings, hard landscaped areas such as drives/paths, engineering operations and all other works associated with the development) which shall include colours, construction details (where appropriate) has been submitted to and approved in writing by the local planning authority. The details approved under this condition shall be implemented in full and adhered to in the completion of the development hereby approved.

Reason: In the interests of visual amenities of the locality and to conserve and enhance the Area of Outstanding Natural Beauty in compliance with policies PCYFF 3, AMG 1 and AMG 3 of the JLDP.

9. The provisions of Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Wales) Order 2013 (or any amendment or Order revoking or re-enacting that Order) are hereby excluded on plots 1, 2, 3 and 4.

Reason: In the interests of the amenities of the existing residential properties in proximity in compliance with policy PCYFF 2 of the JLDP.

10. Notwithstanding the plans hereby approved no development shall take place until full details of a scheme indicating all of the proposed means of enclosure around and within the application site whether by means of walls or fences has been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall be constructed or erected prior to the occupation of the

dwelling to which it relates, and it shall thereafter be retained for the lifetime of the development hereby approved and any replacement wall or fencing shall be to an equivalent specification.

Reason: To ensure that the details and appearance of the development are acceptable to the local planning authority and to protect the amenities of adjacent residential properties in compliance with policies PCYFF 3 and PCYFF 4 of the JLDP.

11. Notwithstanding the plans hereby approved no development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- (a) A Landscaping Scheme for the development hereby approved which provides for the retention of existing trees, hedges and retention/provision of landscape areas/features identified as mitigation, compensation and enhancement in the Reptile and Breeding Bird Survey (January 2020) Egniol. The Landscaping Scheme to be submitted shall show the proposed planting including species, size and their density and distinguish trees, hedges and other existing landscape areas/features to be retained showing where applicable their species, spread and maturity together with measures for protection in the course of the development hereby approved.
 - (b) A Management Plan which includes a method statement and detailed measures for the maintenance and monitoring of the Landscaping Scheme approved under the provisions of 11 (a).

The Landscaping Scheme and Management Plan to be approved in writing under the provisions of this planning condition shall be implemented not later than the first planting season following the occupation of the development hereby approved or its completion, whichever is the sooner. The provisions of the Management Plan shall where applicable under the provisions of the scheme to be approved in writing under 11 (b) above be maintained for the lifetime of the development hereby approved.

Reason: In the interests of the visual amenities of the area and to secure an ecological enhancement in compliance with policies PCYFF 3, PCYFF 4 and AMG 5 of the JLDP.

12. 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 in compliance with policies PCYFF 3 and AMG 5 of the JLDP.

13. 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 and, as a minimum, shall include detail of:

- The sustainability of the construction methods to be employed;
- 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;
- Precautionary reasonable avoidance measures "RAMS" for protected species;
- Existing hedge and tree protection measures;
- Height, specification and colour of all fencing and barriers to be erected in the construction of the development hereby approved;
- Monitoring and compliance measures including corrective/preventative actions with targets in the CEMP which shall accord where relevant with British Standards; and,
- 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, landscape, local ecology, and local amenity in compliance with policies PCYFF 3, AMG 3 and AMG 5 of the JLDP.

14. 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.

A detailed report on the archaeological work, as required by this condition shall be submitted to and approved in writing by the local planning authority within twelve months of the completion of the archaeological fieldwork.

Reasons: To ensure the implementation of an appropriate programme of archaeological mitigation in accordance with the requirements of Planning Policy Wales Edition 11 and TAN 24: The Historic Environment and 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), and policy AT 4 of the JLDP.

15. The development hereby permitted shall not commence until the Local Planning Authority have approved in writing a scheme of works which shall be based on a topographical survey in respect of the following:
- i. The re-alignment and reinstatement of stone walls along the frontage of the application site to provide visibility splays of 2.4 metres by 70 metres either side of the proposed vehicular access to the development from the public highway.
 - ii. Provision of a minimum 2 metre pedestrian footway along the whole frontage of the application site and thereafter from the proposed vehicular access of the development hereby approved to the existing pavement at the existing vehicular entrance to the Cae Rhos estate.

No other part of the development hereby approved shall commence until those works to be approved in writing under the provisions of (i) and (ii) of this planning condition have been implemented and completed.

Reason: To provide adequate inter-visibility between the vehicular access of the development and the existing public highway and to minimise danger and inconvenience to users of the highway and the development, and to conserve and enhance the Area of Outstanding Natural Beauty in compliance with policies PCYFF 3 and AMG 5 of the JLDP.

16. The vehicular access to the development hereby approved shall be constructed with 2.4 metre by 70 metre splays on either side. Within the vision splay lines nothing exceeding 1 metre in height above the level of the adjoining carriageway of the public highway shall be permitted at any time.

Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and the access in compliance with policy PCYFF 3 of the JLDP.

17. The vehicular access to the development hereby approved shall be laid out and constructed strictly in accordance with the submitted plan before the use hereby permitted is commenced and thereafter shall be retained and kept free from permanent obstruction and used only for access purposes.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and the development in compliance with policy PCYFF 3 of the JLDP.

18. The vehicular access to the development hereby approved shall be constructed with its gradient not exceeding 1 in 20 for the first 5 metres back from the nearside edge of the adjoining carriageway of the public highway.

Reason: In the interests of highway safety in compliance with policy PCYFF 3 of the JLDP.

19. The vehicular access to the development hereby approved shall be completed with a bitumen surface for the first 5 metres from the nearside edge of the public highway.

Reason: In the interests of highway safety in compliance with policy PCYFF 3 of the JLDP.

20. No surface water from the development shall discharge onto the public highway. No development shall commence until full design details for the surface water drainage of the development have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented and is fully operational.

Reason: In the interests of highway safety in compliance with policy PCYFF 3 of the JLDP.

21. No development shall commence until plans have been submitted to and approved in writing by the local planning authority showing full specifications of the following:

- longitudinal and cross section through the estate road showing the proposed road levels relative to the existing and proposed ground levels;
- the surface water drainage and means of disposal including the position of gullies, pipe diameters, design data and outfall;
- the location and the type of highway street lighting furniture;

The development hereby approved shall be completed in accord with details to be approved under the provisions of this planning condition.

Reason: In the interests of highway safety in compliance with policy PCYFF 3 of the JLDP.

22. The estate road and its access shall be designed and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the development in compliance with policy PCYFF 3 of the JLDP.

23. The estate roads shall be kerbed and the carriageway and footways finally surfaced and lighted before the last dwelling on the estate is occupied or within 2 years of the commencement of the development.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the development in compliance with policy PCYFF 3 of the JLDP.

24. 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 construction of the development hereby approved and for visitors;
- (vi) The arrangements for loading and unloading and the storage of plant and materials; and,
- (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 approved CTMP.

Reason: To ensure reasonable and proper control is exercised over construction traffic and construction activities in the interests of highway safety in compliance with policy PCYFF 3 of the JLDP.

25. The dwellings hereby approved shall not be occupied until the car parking spaces for those dwellings have been completed. The car parking spaces shall be retained for these purposes for the lifetime of the development hereby approved.

Reason: To ensure that the development does not result in any detriment to highway safety in compliance policy TRA 2 of the JLDP.

26. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Planning Policy Wales Technical Advice Note 2: Planning and Affordable Housing June 2006 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, and location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet the need for affordable housing in the area in accordance with policy ISA 1 of the JLDP.

27. Prior to the commencement of development details shall be submitted for approval of the local planning authority in regard to the arrangements for providing on-site open space and an equipped play space, along with any associated boundaries. The approved scheme will include details of timing of the provision of open space/equipped play space and the management and maintenance of the open space/equipped play space for the lifetime of the development. The scheme shall be implemented in strict accordance with the approved details.

Reason: In the interests of residential and visual amenity in accordance with policies ISA 1, ISA 5 and PCYFF 3 of the JLDP.