

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

Number: 4

Application Number: C17/0041/09/LL

Date Registered: 16/01/2017

Application Type: Full - Planning

Community: Tywyn

Ward: Tywyn

Proposal: Erection of two terraces of nine dwellings (four dwellings to be for affordable local need)

Location: Land opposite Glan y Môr, Tywyn, Gwynedd, LL36 0DG

Summary of the Recommendation TO DELEGATE POWERS TO APPROVE SUBJECT TO COMPLETING A SECTION 106 AGREEMENT OF THE PLANNING ACT 1990.

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1. Description:

- 1.1 This is an application to develop nine two-storey houses, the houses would be in the form of two terraces, one with five houses and the other with four. As part of the application the developer is offering four affordable houses for local need. Planning permission was granted to develop 34 houses on the site in 2008, and five houses that were subject to that permission were to be constructed on the site that is subject to this application. The site is currently used as a compound to develop housing on a nearby site, where the developer has already built six houses as part of the planning consent approved in 2008. East of the site is land that is a building site and there is a public house/restaurant south of the site.
- 1.2 The proposed houses to be erected would reflect the design and size of the existing two-storey terrace of houses that have already been constructed on the site, the houses will measure approximately 8.4 metres to the roof apex. It is proposed to finish the external walls in a red/brown coloured brick with natural blue-grey slates on the roofs, again this would reflect the finish of the existing houses on the site. Two parking spaces will be provided in front of each house, closed gardens will be provided at the rear of the site.
- 1.3 The site stands in a residential area of the town of Tywyn, within the development boundary as defined by the Proposals Map of the Gwynedd Unitary Development Plan.
- 1.4 A Linguistic and Community Statement, Flooding Consequences Assessment and an Affordable Housing Statement were submitted with the application in the context of the proposed development.
- 1.5 This application is submitted before the Committee as it is a development of five dwellings or more, and in accordance with the Council's delegation scheme.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 Gwynedd Unitary Development Plan 2009 (GUDP):

Policy A2 - Protect the Social, Linguistic and Cultural Fabric of Communities - Safeguard social, linguistic or cultural solidarity within communities against significant harm due to the size, scale or location of proposals.

Policy B12 – Protecting Historical Landscapes, Parks and Gardens - Safeguard landscapes, parks and gardens of special historical interest in Wales from developments which would cause significant damage to their character, their appearance or their setting.

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Policy B20 – Species and their habitats that are internationally and nationally important Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of such sites.

Policy B22 – Building Design – Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

Policy B23 – Amenities – Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

Policy B25 – Building Materials – Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

Policy B27 – Landscaping Plans - Ensure that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

Policy B29 – Developments on Land at Risk from Flooding – Manage specific developments in C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria relevant to the features of the site and to the purpose of the development.

Policy C1 – Locating New Development – Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new development. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

Policy C7 – Building in a sustainable manner – Proposals for new developments or for adapting and changing the use of land or buildings will be refused unless consideration is given to specific environmental matters. Proposals must conform to specific criteria relating to building in a sustainable manner, unless it can be demonstrated that it is impractical to do so.

Policy CH4 – New Dwellings on Unallocated Sites within the Development Boundaries of Local Centres and Villages – Approve proposals for the construction of new dwellings on unallocated sites within the boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

Policy CH18 – Availability of Infrastructure - Development proposals will be refused unless there is an adequate provision of necessary infrastructure for the development, unless one of two specific criteria can be satisfied which require that appropriate arrangements are made in order to ensure an adequate provision, or that the development is carried out in phases in order to conform to any proposed scheme for providing infrastructure.

Policy CH30 – Access for all - Refuse proposals for residential, business/commercial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

Policy CH33 – Safety on Roads and Streets – Development proposals will be approved if they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

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Policy CH36 – Private Car Parking Facilities – Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

Policy CH37 – Educational, Health and Community Services – Development proposals for new facilities associated with education, health and the community or extensions to existing facilities will be approved provided that they conform with a series of criteria regarding the location of the proposal, its accessibility using different modes of travel, together with highway issues, the design of any new school and the effect on a specific town centre.

Supplementary Planning Guidance (SPG): Affordable Housing.

SPG: Planning and the Welsh Language.

SPG: Housing Developments and Educational Provision.

SPG: Housing Developments and Open Spaces of Recreational Value.

SPG: Planning Obligations.

SPG: Development briefs

Gwynedd Design Guidance(2003).

2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017) (LDP)**

PCYFF 1A: DEVELOPMENT BOUNDARIES

PS1 - THE WELSH LANGUAGE AND CULTURE

PS2 - INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS

ISA1 - INFRASTRUCTURE PROVISION

ISA5 - PROVISION OF OPEN SPACES IN NEW HOUSING DEVELOPMENTS

TRA2 - PARKING STANDARDS

TRA4 - MANAGING TRANSPORT IMPACTS

PCYFF1 - DEVELOPMENT CRITERIA

PCYFF2 - DESIGN AND PLACE SHAPING

PCYFF3 - DESIGN AND LANDSCAPING

PCYFF4 - CARBON MANAGEMENT

PCYFF5 – WATER CONSERVATION

TAI15 - HOUSING IN LOCAL SERVICE CENTRES

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TAI1 - AN APPROPRIATE MIX OF HOUSING

TAI9 - THRESHOLD OF AFFORDABLE HOUSING AND THEIR DISTRIBUTION

2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)

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

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

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

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 20: Planning and the Welsh Language (2013)

3. Relevant Planning History:

Planning permission was granted in 1973 to erect a three-storey block for offices and flats on this site as well as a more extensive site. Permission was given later on in 1976 to erect 63 two/three bedroom flats in three storey blocks together with site landscaping.

C05M/0090/09/LL - Residential development of 45 dwellings - Approved with conditions – 22 June 2005

C06M /0069/09 / LL - Residential development of 34 two-storey houses - Approved with conditions - 12 June, 2008

A request for advice was received prior to submission of the application in July 2016, and in response it was explained that the development was acceptable in principle on condition that the provision of affordable housing was sufficient.

4. Consultations:

Community/Town Council: No objection

Transportation Unit: I refer to the above application, and confirm that I have no objection to the proposal, we recommend that standard conditions concerning drainage and parking are attached.

Welsh Water: Request conditions to ensure that sewerage, surface water and land water are disposed in an appropriate way, together with ensuring that the development does not impair on the combined public sewer on the site.

Natural Resources Wales: We can confirm that the development would be acceptable on condition that the Local Planning Authority is satisfied that they can impose a Grampian condition that has been suitably worded on any planning permission that will ensure access through the plot of land (east of the site subject to the application) to Warwick Place that:

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- is non-restricted access
- suitable for pedestrians
- is available for the life of the development

it does not necessarily have to be constructed / have a pavement prior to the occupation of the houses on the development site

Therefore, we confirm that we have no objection to the application, subject to the above.

Countryside and Access Unit: No recorded rights of way appear to be affected by this proposal.

Housing Strategic Unit: The proposal is acceptable on the grounds that there is a need for affordable housing in the area and the evidence submitted by the applicant and by this Unit confirms this element of the planning application.

Fire and Rescue Service: No observations

Biodiversity Unit: No species survey required, however, a plan needs to be provided stating how the development will improve biodiversity e.g. installing bat and bird boxes on the new buildings, and a landscaping scheme to include planting apple trees.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and the following objections were received that were not valid materials planning objections these included:

- That the building site between the site and Warwick Place was untidy
- That assurance should be given that the development would be completed within a reasonable period of time.
- The impact of the development on property prices
- The condition of the road and drains at Warwick Place
- Loss of view

5. Assessment of the material planning considerations:

The principle of the development

5.1 The proposal involves a residential development on a site within the development boundary of the town of Tywyn and the residential houses are located on land near the site in all directions. The site has not been earmarked for any particular use or as protected open land. From the perspective of housing policies, the site falls within the definition of infill land and policies C1 and CH4 are relevant to this application. In addition, planning permission for housing development on the site has been granted since 2008, and this permission has already been implemented.

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- 5.2 Policy C1 'Locating new development' states that land 'within the development boundaries of towns and villages ... will be the main focus for new development' In addition, the site has been designated specifically to develop housing in the Gwynedd and Anglesey Joint Local Development Plan.
- 5.3 Policy CH4 is relevant and states that, in principle, proposals for the construction of new dwellings on unallocated sites that are within village development boundaries will be approved provided they conform to all the relevant policies of the Plan and the three criteria which form part of the Policy. Criterion 1 relates to having a proportion of all units on the site as affordable units, unless it would be inappropriate to provide affordable housing on the site. The information submitted by the applicant states that four of the units will be affordable and five will be open market units. As already noted, the developer is already in the process of developing six open market houses west of the site and these are considered within the proportion of affordable housing. To this end, it is deemed that the percentage provision for affordable housing (26%) is acceptable on this particular site. In addition, the size of the four affordable houses will equate to the size of an affordable house under the relevant SPG requirements and there will be a 20% reduction in their open market price of £160,000 which brings the price down to approximately £128,000. Following an assessment of the relevant information from the Joint Planning Policy Unit, a response was received stating that a discount of 20% was suitable in terms of the development's viability.
- 5.7 Given the above assessment and subject to the proposal's compliance with the other policies referred to below and taking into account the observations of the Council's Housing Strategic Unit which confirms that the type of houses proposed as part of this application addresses the needs of applicants on the Council's common housing register (107 applicants) and on the Tai Teg register (17 applicants), it is believed that the application as submitted is acceptable in principle and in accordance with policies CH4 of the GUDP and the SPG, subject to ensuring that four of the units are affordable housing for local need. The proposal of providing an element of affordable housing on this site is in accordance with the objectives of Policy TAI 15 and TAI 1 of the LDP which state that it is important to have a combination of open market housing and local need affordable housing along with the need to provide as many affordable housing as possible across the area.
- 5.5 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will replace the GUDP as the 'development plan' once it is adopted. It is anticipated that the Joint LDP will be adopted during July 2017.
- 5.6 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:
"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."
- 5.7 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.
- 5.8 Paragraph 2.14.1 of Planning Policy Wales states:

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"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."

- 5.9 In this case, the Joint LDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan, it is considered that the recommendation of this report is consistent with the emerging policy.

Design and visual amenities

- 5.10 Policies B22, B23 and B25 of the GUDP are relevant to this application and involve design, finishes, appearances and visual amenities. Gwynedd Design Guidelines also offer guidance on these matters. The site is located on the western outskirts of the town of Tywyn with established houses and businesses of various form, design, plan and size of various external materials, located nearby. Residential dwellings are located to the west with a public house to the south, with a building site to the east which is in the process of being developed. A variety of building heights exist in this area of the town of Tywyn, and it is deemed that these two-storey houses have a height of 8.4 metres to the apex which is acceptable in the context of the height of other nearby buildings.
- 5.11 It is proposed to use external materials that will be in keeping with the existing houses on the site including blue-grey natural slates, red/brown coloured brick for the walls together with white coloured UPVc openings. The elevations of the houses will follow the architectural features of existing houses north of the site, including a canopy on the front doors and small dormers on the front elevations of both terraces. It is believed that the development as a whole will create a development that is in keeping with the streetscape. In addition, it has to be borne in mind that the development is on a site that already has planning permission for housing development, and that this permission has already been implemented.
- 5.12 On the above grounds, it is therefore considered that with appropriate conditions it will be possible for the proposal to comply with Policies B22, B23 and B25 of the GUDP.
- 5.13 Although the site and the wider area are included in the register of Landscapes of Outstanding Historic Interest in Wales, it is believed, considering the scale, design and density of the development and its location at the centre of the town's built form, that it will not undermine this designation. Bearing this in mind, it is considered that the proposal is in accordance with policy B12 of the GUDP.

General and residential amenities

- 5.14 Policy B23 also requests that consideration is given to the effect of the proposal on nearby residential amenities. The site is located in the centre of a residential development that has already been partly developed. The plans approved in 2008 show that an amenity site will be created east of the housing terrace of five dwellings and therefore it is considered that that there will be no unacceptable effect on amenities. There will be no windows in the gable-end of the terraces and therefore there will be no unacceptable impact in terms of overlooking and amenities. In order to ensure that there is no impact on the amenities of residents and that the houses are developed in an acceptable way, it is considered that it is reasonable to withdraw permitted development rights. This as well as ensuring that the houses continue to be affordable by retaining their size as they were approved.
- 5.15 Although there is an increase in the density of the development, it is assumed that the development has been planned to ensure that the proposal would not cause unacceptable harm

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to the amenities of nearby residents in terms of matters such as shadowing or overlooking. It is therefore considered that the proposal is acceptable in terms of Policy B23 of the GUDP that deals with protecting amenities.

Transport and access matters

- 5.16 Part of the estate road has already been created as a result of the planning permission given in 2008. Since the plans approved in 2008 have intensified more parking provision has been included, with two off road parking spaces provided for each unit. It is considered that the conditions regarding providing parking spaces prior to the occupation of the units and ensuring that no water from the curtilage of the dwellings flows into the highway are acceptable. It is therefore deemed that the proposal is acceptable in terms of the requirements of Policy CH30, CH33 and CH36 of the GUDP and the relevant clauses of TAN 18: Transport.

Biodiversity matters

- 5.17 As already mentioned, the site is one that has already been developed with the majority of it being used as a building storage. Observations were received from the Biodiversity Unit that confirms that there is no need for a species survey, however a plan needs to be provided that notes the biodiversity improvements e.g. installing bat and bird boxes on the new buildings, and a landscaping scheme to include planting apple trees. An amended plan was received incorporating the environmental improvements on the 23 February 2017. No biodiversity concerns were received in the response from Natural Resources Wales. It is therefore believed that the proposal conforms to the requirements of Policy B20 of the GUDP and the relevant clauses of TAN 5: Planning and Nature Conservation.

Flooding matters

- 5.18 The site is located partly within a flooding area according to the definition of the development advice map referred to in TAN 15, however, there is concern that the access road to the site from Marine Parade is affected by flooding. A Flooding Consequences Assessment (FCA) was submitted by Waterco Ltd with the application in question. In their original response Natural Resources Wales (NRW) state that they have substantial concerns with the proposed development. This was on the grounds that the Flooding Consequence Assessment was insufficient to show that the site could be developed in accordance with the acceptability test criteria of TAN 15. As previously stated, there is already a planning permission for residential units on the site, however, the proposal entails increasing the number of residential units which entails more risk.
- 5.19 Following amendments to the contents of the FCA confirmation was received that NRW were satisfied with the amendments as long as conditions were imposed with any planning permission to note that an escape route in the direction of Warwick Place (to the East) is provided prior to the occupation of the development, and that the finished floor levels of the development are 7.1m Above Ordnance Datum. Therefore, taking the above into account, and subject to the inclusion of these conditions, it is believed that the proposal is acceptable based on the requirements of Policy B29 of the GUDP and TAN 15: Development and Flood Risk.

Language and Community Matters

- 5.20 Policy A2 of the GUDP states that proposals which would cause significant harm to the social, linguistic or cultural cohesion of communities, due to their size, scale or location, will be refused. SPG: Planning and the Welsh Language states that there will be a need to look

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carefully at how new developments will affect the current pattern of the fabric of society and that developments are required to comply with the requirements of linguistic and national policies.

5.21 A Linguistic and Community Statement was submitted to support the proposal and the Joint Planning Policy Unit has reached the following conclusions:-

- The proposed affordable dwellings are likely to satisfy local need for housing and will therefore assist to retain the current population in the community.
- Considering the size and location of the proposed houses, it is not expected that their prices will rise out of the reach of local residents and are likely to retain the local population in the community and could contribute towards a positive impact on the Welsh language.
- It is likely that the development will be very attractive to young families in the area.
- The development could have a positive impact on the local primary school by increasing the number of pupils attending; however, it must be considered whether or not the development could place excessive pressure on Ysgol Penybryn. However, it is noted that the development would mean that the number of pupils at the school would continue to be lower than the capacity.
- On the whole, it is not believed that the nature or scale of the proposed development is likely to have a detrimental impact on the Welsh language.

5.22 Given this assessment and the abovementioned observations of the Joint Planning Policy Unit, it is believed that the proposal is in accordance with Policy A2 of the GUDP in addition to SPG: Planning and the Welsh Language.

Educational matters and open spaces of recreational value

5.22 In accordance with the requirements of SPG: Housing Developments and Open Spaces of Recreational Value, it is expected for new housing developments with more than 10 houses, and in areas where the existing open spaces would not meet the needs of the proposed housing development, to provide suitable open spaces of recreational value as an essential part of the development. It is noted that only nine dwellings are subject to this application and therefore it is not over the threshold of 10 stated in the above Guidance, in addition an open area has been provided within the development approved in 2008. In addition, the site is within a close distance to amenity sites/other play areas. Consequently, it is not considered reasonable to request the developer to provide an additional recreational area.

Section 106 agreement matters

5.24 As referred to above, four of the nine proposed dwellings will be affordable housing for general local need. It is considered that it will be required for the applicant/developer to sign a Section 106 agreement of the Planning Act 1990 in order to bind the four houses for general local need for first time buyers now and in the future.

Drainage

5.25 It is proposed to connect the development's waste water to the public sewer. An amended plan dated 14 February 2017, was received stating how surface water drainage in connection to the development would be treated, and confirmation was received that this plan was acceptable by Welsh Water. Welsh Water's response also notes that it will be necessary to ensure that the development does not impair their resources, it is considered that the conditions proposed by them that requiring that surface water is not connected to the public

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sewer and a condition to ensure that any development does not impair on their resources is acceptable to be included on any permission if approved.

Response to the public consultation

5.26 An objection to the proposal was received on the grounds of the building site between the site subject to this application and Warwick Place, however, that site is outside this site and is therefore irrelevant as a consideration. In addition, the condition of Warwick Place and the drains are irrelevant to this application. One objector states that there will be a loss of a view as a result of the development and this would reflect badly on property prices, however, these matters are not considerations that are material to planning.

6. Conclusions:

6.1 Having considered the above and all the relevant matters including the local and national policies and guidance, as well as all the observations/objections received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the applicant completing a legal agreement under Section 106 of the Planning Act 1990 in order to ensure that four out of a total of nine houses are affordable initially and in perpetuity and to relevant conditions relating to:-

- 1 Five years to commence the work.
- 2 In accordance with the submitted plans.
- 3 Natural slate.
- 4 External materials to be agreed
- 5 Landscaping work, planting and improvements to biodiversity to be completed within a specific time-schedule
- 6 Relevant highway conditions.
- 7 Removal of permitted development rights.
- 8 The finished floor levels of the dwellings to be 7.31 metres Above Ordnance Datum.
- 9 Ensure that a footpath is provided to link the site with Warwick Place and available prior to the occupation of the houses, the path should be kept clear and unobstructed during the development's lifetime.
- 10 A condition to submit and agree upon site boundary details.
- 11 No surface water is to be disposed of into the public sewer.
- 12 The resources of Welsh Water that cross or are nearby the application site should not be impaired.