

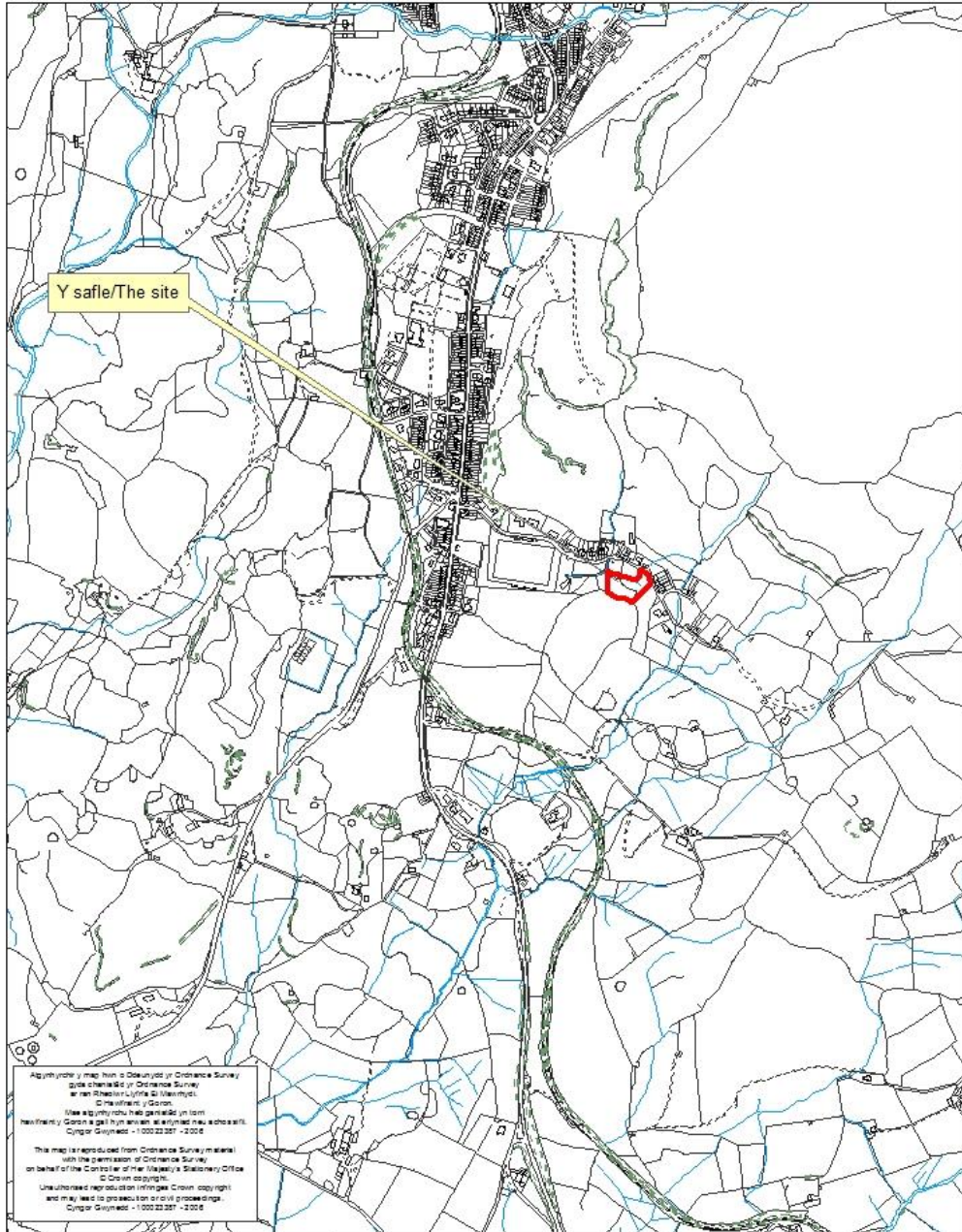
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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT MANAGER	CAERNARFON

Number: 2



Rhif y Cais / Application Number : C15/0248/03/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.  
Location Plan for identification purposes only. Not to scale.



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Application Number: C14/0248/03/LL  
Date Registered: 30/01/2015  
Application Type: Llawn - Cynllunio  
Community: Ffestiniog  
Ward: Teigl

Proposal: CONSTRUCTION OF FIVE, TWO-STOREY DWELLINGS TOGETHER WITH AN ESTATE ROAD AND ADAPTATIONS TO EXISTING ACCESS  
Location: PART OF FIELD O.S. 8825, CAE CLYD, MANOD, BLAENAU FFESTINIOG, GWYNEDD LL41 4AU

**Summary of the Recommendation:** TO DELEGATE POWERS TO APPROVE

## 1. Description:

- 1.1 This is a full application to construct five two-storey dwellings together with an estate road and alterations to the existing access. Three of the houses would be detached and the remaining two would be semi-detached. The site is located at Cae Clyd, Manod and within the area's development boundary. In addition, the site has been allocated for housing and a Development Brief has been adopted. The Brief sets the general principles for the site development.
- 1.2 The detached dwellings would have four bedrooms and the semi-detached dwellings would have three bedrooms. It is proposed to cut into the slope in order to create a stage to construct the houses and this will mean that the detached dwellings will have a finished floor level similar to the level of the county highway that serves the site, however with a section of a field and a stream between them.
- 1.3 Around the site are houses in a fragmented ribbon form and they vary in size and form. The road to the site is fairly narrow and leads from the A470 trunk road.
- 1.4 Currently the site is open land and one house has already been built on the south-eastern outskirts of the site. The site that is the subject of this application has been identified as wetland and a stream runs through the centre with the land gradually rising either side of the stream. The stream runs away from the site towards the west. The proposal comprises an attenuation system for water from the roofs of buildings and the proposed road.
- 1.5 This site forms part of a prospective wildlife site and is also a Section 42 Listed Habitat under the Natural Environment and Rural Communities Act 2006 (NERCA 2006). Two habitats are relevant to this site as a whole (including adjacent land that does not form part of the application) namely:
  - Acid Grassland
  - Fen, Marsh and Swamp
The houses will be built on land identified as acid grassland with the fen, marsh and swamp land outside but adjacent to the application site.
- 1.6 The following were also submitted as part of the application:
  - Design and Access Statement
  - Report on Protected and Botanical Species 2012 (Chris Hall Ltd) and confirmation of the contents by Eryri Ecology, 2014.
  - Language and Community Statement
  - Confirmation that plots 1 and 2 should be for affordable housing

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- Additional information on drainage matters.

## 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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

## 2.2 Gwynedd Unitary Development Plan 2009:

Strategic Policy 1 – The precautionary approach

Strategic Policy 5 – Developments that create risk

### POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

### POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

### POLICY A3 – PRECAUTIONARY PRINCIPLE

Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

### POLICY B16 – PROTECTING NATIONALLY IMPORTANT NATURE CONSERVATION SITES

Refuse proposals that are likely to cause significant damage to nature conservation sites of national importance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

### POLICY B17 – PROTECTING SITES OF REGIONAL OR LOCAL SIGNIFICANCE

Refuse proposals that are likely to cause significant harm to sites of regional or local significance unless they conform to a series of criteria aimed at protecting, enhancing and managing recognised features within the sites.

### POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats will be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

### POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

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**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 SCHEMES**

Ensure that permitted proposals incorporate high quality soft/hard landscaping which is appropriate to the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

**POLICY B32 - INCREASING SURFACE WATER**

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

**POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE**

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

**POLICY B35 – AVOIDING THE SPREAD OF INVASIVE SPECIES**

Ensure that measures are taken to deal with invasive species where the development involves the disturbance of soil that is contaminated by invasive species.

**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 developments. 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 CH1 – NEW HOUSES ON ALLOCATED SITES**

Proposals to build houses on allocated sites will be approved subject to criteria relating to the specific features of the development.

**POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON UNALLOCATED SITES THAT BECOME AVAILABLE WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES**

Approve proposals for housing developments on sites allocated for housing or on random sites for five or more units within the development boundaries of the sub-regional centre and the urban centres, which provide an appropriate element of affordable housing.

**POLICY CH33 – SAFETY ON ROADS AND STREETS**

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

**POLICY CH36 – PRIVATE CAR PARKING FACILITIES**

Proposals for new developments, extensions to 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

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transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

**Material Supplementary Planning Guidance:**

- Planning and the Welsh Language (2009)
- Affordable Housing (2009)
- The Development Brief for the site (2009)
- Wildlife Sites (2009)

Gwynedd Design Guidance

**2.3 National Policies:**

- Planning Policy Wales, Edition 7, 2014
- TAN 2: Planning and Affordable Housing (2006)
- TAN 5: Planning and Nature Conservation (2009)
- TAN 12: Design (2014)
- TAN 20: Planning and the Welsh Language (2013)

**3. Relevant Planning History:**

- 3.1 C12/1574/03/LL – Construction of three two-storey houses together with an estate road and alterations to existing access – Application withdrawn.
- 3.2 C09M/0036/03/MG – Details to erect a two-storey dwelling and detached garage – Approved June 2009
- 3.3 C06M/0172/03/AM – Outline application to build one dwelling – Approved April 2008

**4. Consultations:**

- Community/Town Council: No objection. Need to protect the wetland and ensure that the surface water goes towards the east and not into the nearby wetland/stream. Need to give attention to the safety of the access that is in a restricted and dangerous place.
- Transportation Unit: No objection to the proposal but confirm that the estate road design (namely 4.5m) is not suitable to be adopted as a highway. It is recommended also to widen the right turning in order to improve access in general. Recommend a series of conditions and standard notes to be attached to any permission.
- Trunk Roads Authority: No objection
- Strategic Housing Unit: It is recommended that two out of the five houses are affordable with a discount of approximately 15%.
- Biodiversity Unit: The developer has submitted further details regarding the development (4.7.15) indicating the wetland area to be protected together with details of the wall/flow as wished. The plan suggests large boulders or gabions to construct the development boundary with the wetland. Gabions are favoured rather than large boulders

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and they will set a more definitive boundary. I would like to include a condition that it is these that will be used. I am happy to receive information regarding the methodology to construct the wall once the application has been determined via a condition to be approved prior to the commencement of the work.

It will be necessary to work from outside the wet site into it rather than having machinery working from the wet site outwards.

Natural Resources Wales:

Observations 23/7/15 (having received further information regarding drainage matters):

Note that the revised method of dealing with surface water involves releasing the water in a controlled way into derelict land under the football field that is downstream (which in the end drains into a culvert). It is noted that the additional volume is attenuated on the site before being released in a controlled way of 5 litres a second. We are satisfied with the development however, it is suggested that you also contact your Flood and Coastal Risk Management Unit who have also had discussions regarding this site. Your colleagues should be satisfied that the proposal drains naturally towards the discharge/release point.

Observations 05.03.15

Note that the applicant indicates the intention to deal with surface water with a soakaway. This is to be welcomed but not aware that the applicant has provided evidence that the land is suitable for a soakaway. Need to ensure that this is acceptable and practical. Tests might be needed to show that this is practical and can be adopted and maintained correctly without leading to other environmental problems. Suggest that this should be confirmed with the Lead Local Flood Authority.

Welsh Water:

Standard conditions concerning foul water drainage and surface water drainage from the site and that surface water will be allowed to drain into the public sewer.

Rights of Way Unit

No impact on public rights of way

Engineering Unit Gwynedd Consultancy (Land Drainage)

Having visited the site and discussed the neighbour's concerns regarding congestion in the screen that receives water from the mountain and situated in his garden. Have confirmed with him that it is the responsibility of the landowner to maintain the watercourse on his land including structures such as this screen. I further explained that the only observations that the Unit can give is that the sum of water that will be discharged from the development will be limited to what will run off this land naturally.

The developer has promised, as part of the planning application, to construct a system that will achieve this and the Unit has inspected this proposal and accept that it would achieve the requirements.

Therefore to conclude the Unit is willing to support the

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application in terms of land drainage with the original condition that the developer does not build over the water course and safeguards this watercourse during any development permitted.

**Public Consultation:**

A notice was posted on site and nearby residents were notified; following amendments to the application a re-consultation was conducted. The advertisement period has expired and several items of correspondence were received objecting on the following grounds:

- Traffic problems already exist on the narrow road
- Concern regarding more use of the access to the A470
- Road narrow and insufficient
- Road condition poor and likely to get worse with more use
- Road not suitable for more traffic or heavy traffic during the construction period
- No pavement
- Detrimental effect on the environment
- Detrimental effect on amenities and privacy
- Impact on the language and local community
- Detrimental effect on wildlife.
- Technical investigation required on the impact of the change on the landscape (in the context of creation of surface water)
- Concerns regarding flooding and creating additional surface water causing problems further down than the site
- Lack of confirmation regarding how it is proposed to treat surface water from the site
- Visual impact on the neighbourhood – out of character
- Request assurance in the future in the context of land drainage/ soakaway etc.
- Japanese knotweed growing on the site.

Observations were received supporting the application on the following grounds:

- Wish to live there
- Houses with three and four bedrooms are scarce in the area and will be an addition to what is available in the area
- Off road parking area.

**5. Assessment of the material planning considerations:**

**The principle of the development**

5.1 The principle of developing houses on the site is acceptable as the site is allocated for housing in the Gwynedd Unitary Development Plan (2009) and the Development Brief has been adopted dealing specifically with this site. The Brief states that the site is allocated for new housing and that it is practical for development. The Brief notes points concerning: ‘Justification for choosing this site’, Physical Limitations of the Development’, ‘Standard of the Environment and the Site’. ‘Number and Type of

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Housing’, ‘Access and Accessibility’, ‘Planning Application Requirements’, ‘Relevant Matters’. The Brief notes that there are no landscape and biodiversity designations relevant to the land (at the time of providing and adopting the Brief). It also notes that the site can cope with approximately 18 residential units.

- 5.2 Since the application deals with a housing development on a site allocated specifically for housing the proposal is considered to be acceptable in principle and in accordance with Policies C1 and CH1 of the UDP, Policy CH1 also requires compliance with the Development Brief. In addition, the proposal will need to be suitable for the site in terms of basic planning considerations and in accordance with the relevant policies and the suitability of the proposal will be considered in the context of other relevant policies under the following headings.
- 5.3 In terms of the number of houses that form part of the proposal (five) and the number noted in the Development Brief (18) there is an obvious difference. One house has already been built within the allocated site and therefore a total of six houses would be developed on the site identified for 18. However, a planning reason exists for not proposing 18 houses and this is due to the nature and status of the land as a wildlife site and also as a Section 42 Habitat (NERCA). The houses on the land identified as acid grassland and the land that is part of the fen, marsh and swamp would be outside and adjacent to the application site. It is understood that there is no concern about developing the land where the houses will be situated but it is necessary to safeguard the remainder of the site that is fen, marsh and swamp. Because of this the whole site allocated cannot be developed and a relevant planning reason supports this.
- 5.4 In the same manner the site is not uniform or level and there are limitations in terms of land levels, existence of a stream that runs through the site etc., that means that it is not reasonably possible to develop all the land. This is also a planning reason that supports why 18 houses cannot be developed on the site. Therefore it is considered that despite the Development Brief stating otherwise, that relevant planning reasons exist that mean that the whole allocated site cannot be developed and therefore 18 houses cannot be developed. Considering the limitations of the site it is deemed that developing five houses (as well as the one that has already been built) is appropriate and acceptable in the context of the above policies.

### **Visual amenities**

- 5.5 The site runs down from the road towards a stream and then rises gradually on the other side of the stream. Therefore this means that three detached houses would be situated on a stage and against the slope on the other side of the stream. It is proposed to retain the land between the stream and the public road as open land without use.
- 5.6 The two semi-detached houses would be located near the existing property of Nant y Mynydd and would be seen in the context of the existing building which is near the access to this housing development. The semi-detached houses would have a simple design and the larger houses would have a few more features such as bay windows and a small dormer. All the houses would have slate roofs and rendered walls with stone features. Houses in the area have no specific features or design and it is considered that the proposed designs would be simple and striking and would be in keeping with the rest of the area. The location of the site and nature of the landscape mean that views from the site are limited to local areas only and would be seen in the context of the Cae Clyd residential area.



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- 5.7 It is also possible to protect the area's visual amenities by ensuring appropriate soft and hard landscaping in order to enable the proposal to take its place better within the landscape.
- 5.8 An objection to the proposal was received based on the visual impact on the neighbourhood and that the proposal would be out of character. As noted above, there is no specific form to the developments in the vicinity in terms of scale, form or design and therefore the proposal is not considered to be out of character.
- 5.9 Based on the above, it is considered that the proposal is in accordance with Policies B22, B23, B25 and B27 of the UDP as well as the Gwynedd Planning Guidance, TAN 12: Design.

#### **General and residential amenities**

- 5.10 The majority of the houses that are nearest to the site are situated on the other side of the public road that serves the Cae Clyd area. One house adjoins the site and it is not considered that the proposal would have any impact on the amenities of this property (which is also in the applicant's ownership).
- 5.11 An objection to the proposal has been received on the grounds of a detrimental impact on residential amenities and privacy. Because of the distance between the houses over the road to the site (including a section of a field that will not be developed) and the location of the adjoining house in relation to the proposed development, it is not considered that there would be any detrimental impact on the ground of loss of residential amenities or privacy. It is inevitable that there would be an impact on views from those houses; however this alone is not a planning issue. The proposal is not considered to be tantamount to an overdevelopment of the site (especially when the proposal concerns the provision of five houses on a site allocated for 18) and it is not considered either that the proposal would have an oppressive impact on the houses on the other side of the road.
- 5.12 Consequently, it is considered that the proposal is in accordance with Policy B23 of the UDP.

#### **Transport and access matters**

- 5.13 Notwithstanding the concerns raised regarding the road that leads from the A470 towards the site as well as the impact of more cars using the junction with the A470, the Trunk Roads Authority have no objection in the context of the likely additional use of the junction with the A470. In addition, the Transportation Unit has no objection to the proposal but confirm that the estate road design (namely 4.5m) is unsuitable to be adopted as a highway. It is recommended also to widen the right turning in order to improve access in general. Despite this, these are not issues that mean the application needs to be refused and the conditions suggested are a means of controlling the situation. It is also considered that sufficient parking has been offered within the curtilage of the proposed houses and this element of the proposal is acceptable. Consequently, it is considered that the proposal is in accordance with Policy CH33 and CH36 of the UDP.

#### **Biodiversity matters**

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- 5.14 The application site is located on land identified to have a biodiversity value. It was identified as a location that is a prospective wildlife site and is also a Section 42 Listed Habitat under the Natural Environment and Rural Communities Act 2006 (NERCA 2006). Although these are not statutory designations they are material considerations when dealing with planning applications in accordance with policies B16 and B17 of the UDP. There are two types of habitat in the area namely Acid Grassland and Fen, Marsh and Swamp. Although both are important, Acid Grassland is more abundant in the application area and therefore the Biodiversity Unit accept if the site needs to be developed then the less common habitat should be protected namely Fen, Marsh and Swamp.
- 5.15 This application site will be limited to Acid Grassland and by following working methods that protect the nearby wetland habitat, such as placing gabions as a boundary to the slope on the site and ensuring that heavy machinery do not operate from the wetland, it is deemed that the site can be developed without significant harm to habitats of National and Local importance as protected by policies B16, B17, SPG Wildlife Sites and TAN5 Planning and Nature Conservation.
- 5.16 An objector claims that Japanese Knotweed is growing on the site, however, neither the Biodiversity Unit or Natural Resources Wales have identified this species growing on the site during their site visits. Having said this, this species has been identified in the area in the past and it is considered that a note should be included with the planning application to remind the applicant of the legal duty not to spread this invasive species. In the absence of specific evidence for Japanese Knotweed on the site we are of the view that the above is sufficient to meet with the objectives in accordance with policy B29 of the UDP.
- 5.17 It is also claimed that the Great Crested Newt resides on the site, however, no evidence of this has been submitted and this species was not identified during the visits of officers from the Biodiversity Unit or Natural Resources Wales. In addition, there is no record of this species in the area and therefore this is not considered to be a real danger. Having said this, the proposed development will avoid the wetland that may be a suitable habitat for species of newts and therefore the Biodiversity Unit are of the opinion that there is no danger to this species and the proposal is therefore not contrary to Policy B20 of the UDP.

### **Flooding matters**

- 5.18 Strategic Policies 1 and 5 and Policy A3 in the UDP encourage a precautionary approach and the avoidance of creating a risk to development sites and surrounding sites because of matters such as flooding. Policy B32 recommends the refusal of proposals that do not include appropriate flood minimisation or mitigation measures. This application includes measures to control the flow of surface water from the site and these are acceptable by Natural Resources Wales and the Engineering Unit of Gwynedd Consultancy (Land Drainage) and therefore it is considered that the development is acceptable under the requirements of the above policies. In addition, the measures proposed would ensure that no pollution or nuisance would stem from the site and therefore they will meet with the requirements of policy B33 in the UDP.

### **Affordable housing / Section 106 issues**

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5.19 The principle of building houses on the site as well as the rationale for providing fewer houses than stated in the Brief have been discussed above. The applicant has stated that two of the five houses would be affordable for local need (Plots 1 and 2). These houses would have three bedrooms with a floor area of approximately 80m<sup>2</sup> which is within the floor area noted in the SPG for an affordable three bedroom house. This is also in compliance with the requirements of the Strategic Housing Unit who state that the proposal needs to provide two affordable units with a discount of 15%. As a result, and subject to the applicant signing a 106 agreement to ensure this, it is considered that the proposal is in accordance with policy CH1 and CH6 of the UDP, the SPG and TAN 2.

### **Language Matters**

5.20 In accordance with the precautionary approach and Policies A1, A2 and A3 of the UDP together with the requirements of SPG Planning and the Welsh Language and the guidance of TAN 20 Planning and the Welsh Language, a Community and Language Statement was submitted as part of the application. This was assessed by the Joint Planning Policy Unit and the following observations were made

- 1) The percentage of Welsh speakers in the area is higher than the County percentage and it is not believed that the scale of the proposed development is likely to cause a significant growth in the population that may have a detrimental impact on the Welsh Language. It is not believed that the proposed development will entail an unacceptable additional increase in the number of new houses.
- 2) The mixture of houses proposed makes the development attractive to the local population, especially for families with children, and thus it is beneficial for the Welsh language.
- 3) The proposal ensures that a proportion of the units are affordable and this is beneficial in terms of keeping the existing population in their communities and encouraging Welsh people to return to the area. It will be necessary to ensure that the relevant units are affordable and attractive to local individuals who are in need of affordable housing in respect of their type and tenure in the first place and in the future.
- 4) The proposed development should not have a negative impact on the capacity of the local primary school.

5.21 Having considered the above, it is accepted that the plan meets with the requirements of local and national planning policies stated concerning the Welsh Language.

### **Response to the public consultation**

5.22 The above assessment has given full consideration to the objections received in response to the public consultation, and it is not considered that any material planning objections have been offered that outweigh the relevant planning policies noted in the assessment, therefore there is no reason why the Council should not support this

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application to contribute towards realising the objectives of the Unitary Development Plan.

**6. Conclusions:**

6.1 Having weighed up the proposed development and considered all the relevant planning matters, including local and national policies and guidelines as well as the objections received, it is considered that the application to construct five houses (including two affordable houses for local need) on this site is suitable and that there are valid planning reasons why the requirements of the Development Brief for the site cannot be met. It is considered that the proposal meets with all relevant local and national policies noted in the report.

**7. Recommendation:**

7.1 To delegate the powers to the Senior Planning Manager to approve the application subject to the applicant completing a section 106 Agreement regarding ensuring that two of the five houses are affordable houses for general local need and relevant planning conditions involving:

1. The commencement time of the development;
2. Materials to be agreed
3. Slate roof
4. Water/Sewerage/Drainage
5. Highway conditions
6. Landscaping condition
7. Removal of general development rights for the affordable houses
8. Conditions regarding biodiversity/gabions/working arrangements

Note: Japanese knotweed  
Highways