

Number: 6



Rhif y Cais / Application Number : C16/0603/09/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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REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C16/0603/09/LL  
Date Registered: 08/06/2016  
Application Type: Full - Planning  
Community: Tywyn  
Ward: Tywyn

Proposal: A FULL APPLICATION TO ERECT FIVE AFFORDABLE TWO-STOREY HOUSES ALONG WITH THE CREATION OF AN AMENITY SITE AND IMPROVEMENTS TO THE EXISTING ESTATE ROAD

Location: LAND AT PENMORFA, TYWYN, GWYNEDD, LL369BL

**Summary of the Recommendation:** TO DELEGATE THE RIGHT TO APPROVE WITH CONDITIONS

## 1. Description:

- 1.1 This is a full application to erect five two-storey affordable dwellings; all five units would be two-bedroom and they would have a total floor surface area of approximately 84m<sup>2</sup> per unit. The site would be laid out in the form of a three-unit terrace and then semi-detached houses, in addition an amenity site would be provided in the southern part of the site. It is proposed to roof the houses with natural slate, a finish of white coloured smooth render and natural stone for the walls.
- 1.2 It is a level site within the development boundaries of the town of Tywyn in the Gwynedd Unitary Development Plan and has already been prepared for development; some other residential estates abut the site to the north-east and the north-west. To the south lies the site of the former Tywyn livestock market which has extant planning permission for residential development, and a railway abuts the site to the west. The site is served by an unclassified road that runs through Penmorfa estate at present; this road leads off the third class county road, namely Sandilands Road.
- 1.3 An estate road has already been provided on the site and it is proposed to provide 12 parking spaces to the front and side of the houses that are the subject of the application. The site is located on land that is slightly more elevated than the rest of Penmorfa estate; ramps and stairwells will be provided to the front of the houses as well as enclosed private gardens to the rear of the houses.
- 1.4 In addition to the houses themselves, the proposal also involves providing improvements to the existing estate road, 12 parking spaces and a turning area.
- 1.5 A Design and Access Statement, Community and Linguistic Statement, Construction Traffic Management Plan, Assessment of the condition of the surface of the estate road at present and an Ecological Report were submitted as part of the application. The application is submitted to the committee as it involves five or more dwellings.

## 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 considerations indicate otherwise.

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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 must also 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 the needs of the present 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 decision.

### **2.3 Gwynedd Unitary Development Plan 2009:**

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 impacts in the form of an environmental assessment or assessments of other impacts.

A2 – PROTECT 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.

A3 – PRECAUTIONARY PRINCIPLE - Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless the relevant impact assessment can show beyond doubt ultimately that the impact can be avoided or alleviated.

#### **B11 – OPEN SPACES BETWEEN OR WITHIN VILLAGES AND TOWNS**

Ensures that proposals that cause significant harm to the function or importance of open spaces between villages/towns or open spaces within towns or villages which are important to their character are refused.

B12 – PROTECTING HISTORIC LANDSCAPES, PARKS AND GARDENS - Protect landscapes, parks and gardens of special historic interest in Wales from developments that would cause significant harm to their character, appearance or setting.

B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

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.

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

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.

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

B29 – DEVELOPMENT ON LAND AT RISK OF FLOODING - Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A unless they can conform to a series of criteria that are relevant to the features of the site and to the purpose of the development.

B32 – INCREASING SURFACE WATER - Refuse proposals which do not include flood reduction measures or appropriate alleviating measures which will lead to a reduction in the volume and scale of surface water reaching and flowing into rivers and other water courses.

C1 – LOCATING NEW DEVELOPMENTS – Land within town and village development boundaries 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. 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.

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 development boundaries of Local Centres and Villages if they conform to criteria aimed at ensuring an affordable element within the development.

CH33 – SAFETY ON ROADS AND STREETS – Development proposals will be approved if they comply with specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

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

CH37 – Education, health and community facilities - Development proposals for new educational, health or community facilities or extensions to existing facilities will be approved provided they can conform to a series of criteria relating to the location of the proposal, its accessibility for different modes of transport, together with considerations relating to highways, the design of any new school and the effect on a defined town centre.

In addition to GUDP policies, full consideration is given to the Authority’s adopted Supplementary Planning Guidance (SPG), which are material and relevant considerations. The following are considered to be relevant in this case:

- Development briefs;
- Housing developments and open spaces of recreational value;
- Planning for sustainable building; Planning obligations;
- Affordable housing;
- Housing developments and educational provision
- Gwynedd Design Guidelines;

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## 2.4 National Policies:

Planning Policy Wales (Edition 8, January 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:

C03M/0174/09/AM - Outline application for the erection 8 dwellings - Refused - 10 February 2004;

C04M/0092/09/AM – Residential development of 6 dwellings – Approved with conditions – 5 August 2004;

C04M/0229/09/MG - Reserved matters for the erection of 6 residential units (2 dwellings and 4 flats) along with alterations to the road, drainage and landscaping - Approved with conditions - 14 April 2005

C05M/0007/09/LL – Removal of condition 11 (access for construction traffic over land to the south of the site) on planning permission reference C04M/0092/09/AM dated 5 August 2004 - Refused - 14 April 2005 - Refused on appeal by the Inspector on 1 May 2006.

## 4. Consultations:

Community/Town Council: No objection, the Council noted concerns regarding large vehicles gaining access to the site during the construction phase and that building materials should be delivered in accordance with the Construction Traffic Management Plan, with deliveries restricted to between the hours of 09:30 - 16:30. In addition, care should be taken during the hours when children are entering or leaving school. Further concerns were raised along with the fact that the community was losing a green space and that the amenity area provided by the applicant was insufficient for the number of children living nearby.

Transportation Unit: No objection to the proposal and propose standard conditions

Biodiversity Unit: The applicant has submitted an ecological report produced by ECU Ltd dated March 2016. It appears that the grassland is amenity grassland that is of local biodiversity value. There is no objection to this proposal.

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Countryside and Access Unit: No public rights of way in the Tywyn Town Council area are affected by the proposed development.

Strategic Housing Policy Unit: A Housing Association will be providing these houses therefore they will offer an affordable rent model.

Network Rail: Not received

Natural Resources Wales: Satisfied with the conclusion of the Ecological Encompassing Report by Ecus - Environmental Consultants (March 2016). NRW agree with the recommendations included in the report:

1. There is a need to consider the Habitats Regulations Assessment (HRA) as part of the proposal (in particular in relation to the Pen Llyn a'r Sarnau SAC).
2. Trees on the perimeter of the site should be safeguarded by a root protection area.
3. A Habitat Suitability Index should be undertaken to assess the suitability of water courses nearby for amphibians.
4. Undertake a badger survey prior to construction work.
5. Overnight ramp for any ditches dug, to assist any animals that enter in order to escape.
6. Appropriate lighting to be produced that would be bat-friendly.

In addition to the above-mentioned recommendations, NRW advise that the following should be included:

1. There should be a provision to maintain gaps under the proposed fence for badgers / the movement of hedgehogs through the site.
2. A lighting scheme should be submitted to the local planning authority.
3. Add the bat roost provision within the proposed development. This could be in the form of bat tubes in the walls or a gap of approximately 20mm to the left between the walls and the eaves / weather shutters.
4. Otters are a feature of the Pen Llyn a'r Sarnau SAC and they should be considered within any HRA.

Welsh Water: It is not clear from the plans submitted where surface water will be disposed of; recommend standard conditions regarding drainage.

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Public Consultation:

A notice was posted on site and nearby residents were informed. The advertisement period has ended and correspondence was received objecting on the following grounds:

- That the estate road is dangerous and in a poor condition and unsuitable for more houses;
- Additional houses are not needed on the existing estate;
- General lack of parking spaces on the existing estate;
- Currently, there is insufficient access for the emergency services on the estate;
- Construction traffic would lead to problems on the estate;
- There was not enough consultation with the existing residents of the estate before the application was submitted;
- Planning permission and an appeal for a residential development has previously been refused on the site;
- The sewerage system would not be sufficient to cope with additional houses;
- Loss of children's play area on the existing residential estate;
- Impact on the privacy of the residents of nearby houses;
- That access for the construction period should be gained through land to the south of the site;

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

**The principle of the development**

5.1 The proposed development site is located within the development boundaries of the town of Tywyn on the GUDP's inset maps and therefore it is consistent with the general requirements of policy C1 of the GUDP which encourages development within development boundaries. Policy CH4 is relevant to this application, and in accordance with this policy, the principle of developing houses on this site is acceptable. A more detailed discussion of the need to provide affordable housing will be provided later in this report.

5.2 Policy B11 of the Unitary Development Plan refers to open spaces between or within villages and towns; concerns were received from local residents regarding the loss of amenity land and a children's play area. The policy refers mainly to open spaces that have been designated and shown on the inset maps of the GUDP but this site has not been designated. However, the policy also refers to other spaces that emerge that satisfy one or more of the criteria. It is not considered that the site is of any ecological value or adds visual variety to local residents. The site is located on the outskirts of a housing estate within the town of Tywyn and therefore the site does not create a gap or physical contribution between dwellings. This site is not a Council owned play area, such a play area has been provided within 350 metres to the site in question. In addition, the applicant intends to provide an amenity site in the southern part of the site which means that amenity land will not be lost in its entirety. Therefore, it is not considered that the proposal is contrary to the requirements of policy B11 of the

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GUDP or the Supplementary Planning Guidance: Housing Developments and Open Spaces of Recreational Value.

5.3 Relevant reports and assessments were submitted as required according to the current regulations and policy requirements of policies A1 and A2 of the GUDP.

5.4 Based on the above, it is believed that the proposal is in accordance with the policies noted above and is acceptable in principle, subject to consideration and full assessment of all other material planning matters, including the observations received and compliance with the requirements of other relevant policies.

#### **Visual amenities**

5.5 The existing site is a plot of open grassland. However, it is a site within a built area which includes a number of residential housing, as well as static caravan and chalet sites. Although the site is located within the Dysynni Valley Landscape of Outstanding Historic Interest, it is not considered that there will be an additional negative impact on this designation, considering its town centre location.

5.6 This proposal involves a housing development that is relatively traditional in terms of its form and layout with gardens to the front and rear, which follows the existing form of Penmorfa estate. Nearby houses have a relatively uniform pattern within the nearby area but it is not considered that the same specific appearance needs to be mimicked for the design of the houses that are the subject of this application.

5.7 In accordance with policy B27 of the GUDP, rough plans have been submitted displaying the proposed layout of the site. It is proposed to erect timber fences along the rear and front boundaries of the proposed units. Usually, this is ensured by means of a formal condition that will ensure that this work is completed to the complete satisfaction of the Local Planning Authority and that the work and the plants are safeguarded and protected for a period following the completion of the work. This proposal is believed to be acceptable in terms of visual amenities, considering the current condition of the site and what is proposed in terms of size, form and elevations. It is therefore believed that the proposal satisfies the requirements of policies B22, B23, B25 and B27 of the GUDP.

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

5.8 The site is located in an area where residential dwellings are characteristic. Objections were received to the plan noting a number of concerns including overlooking and loss of privacy. No windows are located in the gable end of number 22 Penmorfa and it is believed that numbers 23, 24, 25 and 29 Penmorfa are located a sufficient distance from the proposed houses in order to ensure that there will be no impact on their privacy as a result of this development. It must also be noted that the estate is an existing housing estate where an element of passive overlooking already exists due to the form and nature of housing estates. In order to protect the amenities of the residents of the existing residential estate, it is considered appropriate to include conditions restricting the construction working hours on the site, and also the need to provide a plan for lighting the estate for approval by the Local Planning Authority.

5.9 Therefore, it is considered that the application complies with the requirements of Policy B23 of the UDP.



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### **Transport and access matters**

- 5.10 A number of letters have been received from individuals noting concerns about issues relating to safety and traffic regarding this development and the existing estate road. The proposal includes making improvements to the existing estate road which includes widening the estate road near the corner of the front garden of number 15 Penmorfa.
- 5.11 A consultation was undertaken between the applicant and the Council's transportation officers before submitting the application and a traffic management plan has been submitted as part of the application. In order to reduce the impact on residents, the application proposes widening the corners within the estate to improve access generally. Additionally, the estate road adjacent to the development will be widened. These are permanent improvements that will benefit current residents and residents of the proposed houses. Observations have been received regarding using the land to the south of the site for access during the construction period. In response, the applicant stated that it was not possible to reach agreement with the owner of this land to obtain use of the land for that purpose.
- 5.12 Specifically, the Traffic Management Plan notes that deliveries to the site and construction traffic will be restricted to specific times of the day with careful control of construction traffic; furthermore it is noted that the road will be accessible to all during and following the construction period. Additionally, the estate road to the front of the development will be widened to 5.50 metres which is an improvement from the current situation; this improvement will provide a turning space in front of the parking spaces for plot 2. Long-term improvements will be made to the existing estate road and it is noted on the proposed plans that this will enable refuse lorries to drive up safely to the far end of the estate and then turn safely. In response, the Transportation Unit notes that the content of the Traffic Management Plan is acceptable and that there are no concerns in this respect.
- 5.13 The Cambrian railway abuts the site to the west but it is not considered that the development would have any impact on the railway; in addition Network Rail did not respond to the consultation. The Transportation Unit has no objection to the proposal as the parking provision is considered sufficient for houses of this size. Therefore, it is not considered that the proposal is contrary to the requirements of policy CH33 and CH36 of the UDP.

### **Linguistic Matters**

- 5.14 A Community and Language Statement was submitted with the application. The proposal is for providing affordable dwelling houses for a housing association within the development boundary. Although no response had been received from the Joint Planning Policy Unit regarding the content of the statement when preparing this report, the conclusions of the statement note that the impact on the Welsh language and the community would be very limited as a result of this development. Should a formal response to the consultation be received from the Joint Planning Policy Unit, it is not considered that the proposal would have a significant impact on the Welsh language and the community and that it would be acceptable in respect of Policy A2 of the GUDP and the SPG. Hopefully a response will have been received by the date of the Committee and a verbal report can be given regarding its contents.

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

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5.15 The requirements of Policies CH4 of the GUDP state that a proportion of units (that have not been designated but are within development boundaries) must be affordable to meet general local need for affordable housing.

5.16 Taking into consideration that the applicant is providing new rented social housing for local residents under their statutory responsibilities, the view in this particular case is that the planning application can be dealt with as an exception to these policies. The affordability of these houses is controlled and reflected in the size and design of the houses and therefore in accordance with the guidelines included in the Supplementary Planning Guidance: Affordable Housing (November 2009). Therefore, it is considered that the proposal complies with Policy CH4 of the GUDP without the need to manage it through a 106 Agreement. This is also consistent with how the Local Planning Authority has been dealing with similar applications from housing associations.

### **Relevant planning history**

5.17 The site's planning history confirms that an outline application to build 8 houses on the site was refused in 2004. Nevertheless, a further planning application for 6 houses was subsequently approved later on that year and the details of that permission were approved in April 2005. A condition (number 11) was imposed on this planning permission noting that the applicant should use land to the south of the site to gain access during the construction phase; an application was received to abolish the condition but it was refused on the grounds of road safety, and an appeal was refused by the Planning Inspector. Road safety and site access issues by construction traffic have been considered in paragraphs 5.10 - 5.13 above which note that the arrangements submitted in the Traffic Management Plan and the proposed improvements to the estate road overcome the objections raised by the Inspector previously. Consequently, it is considered that the proposal is acceptable to be approved.

### **Flooding Matters**

5.18 The site is located nearby, but not within flood zone C1 as noted on Development Advice Maps that coincide with Planning Policy Wales and Technical Advice Note 15: Development and Flood Risk. No objection to the proposal was received from the relevant agencies namely Natural Resources Wales and Welsh Water; therefore it is believed that what is proposed in terms of the drainage arrangements for the site and its location are acceptable in terms of flood safety and that consequently it would not be contrary to the requirements of policies B29 and B32 of the GUDP.

### **Biodiversity matters**

5.19 As part of the application, an ecological encompassing report was submitted from Ecus Environmental Consultants. This report makes a number of recommendations regarding relevant measures to avoid harming biodiversity. In response to the consultation, the Council's Biodiversity Unit states that it is amenity grassland on the site and that it is of no local ecological interest. In its response, Natural Resources Wales agrees with the recommendations in the report submitted and offers minor amendments to the contents. An amended report has been received and a consultation on its contents has been sent to Natural Resources Wales and the Council's Biodiversity Unit, but no response had been received when preparing this report. Subject to receiving favourable response to the content of that report from Natural

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Resources Wales, it is not believed that the proposed development would have an unacceptable impact on biodiversity. Therefore, it is considered that the proposal complies with the requirements of Policies A1, A3 and B20 of the GUDP and TAN 5.

### **Educational Provision**

5.20 Policy CH37 of the GUDP aims to ensure that existing schools will be able to cope with any increase in pupil numbers as a result of a new residential development. Supplementary Planning Guidance (SPG) 'Housing Development and Educational Provision' also applies to this aspect of the application.

5.21 The Joint Planning Policy Unit has confirmed that this entire site is located within the catchment area of Ysgol Penybryn. In using the formula and the information noted in the Supplementary Planning Guidance 'Housing Developments and Educational Provision', it is noted that the development would mean that the number of pupils in the catchment's schools would remain lower than at full capacity of that school.

5.22 Therefore, it is considered that the application complies with policy CH37 of the GUDP and SPG: Housing Developments and Educational Provision and based on the evidence available there is no justification to request an educational financial contribution.

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

5.23 An observation was received in response to the public consultation noting that the local sewerage system was insufficient to cope with additional houses. Nevertheless, no such concerns were received in response from Welsh Water and therefore it is not considered that there is any objection to the proposal regarding this issue.

5.24 In addition, concern was expressed that local residents had not been given the opportunity to give their views on the plans. In response, the applicant states that a consultation and presentation was held on 6 April 2016 in Neuadd Pendref, Tywyn. All local residents in Penmorfa received a letter of invitation to the event and they were given an opportunity to voice their opinion on the development. The proposals were also available to inspect on the applicant's website so that residents who could be available at that meeting had an opportunity to provide their observations on the proposed development. In addition, the planning application was advertised by means of sending letters to nearby houses and placing an advertisement on the site. Consequently, it is considered that local residents have been given a sufficient and fair opportunity to voice their opinion on the proposal.

5.25 It is considered that the other issues deriving from the public consultation have been considered in the body of this report.

### **6. Conclusions:**

6.1 This site is located within the development boundaries of the town of Tywyn as defined in the GUDP. It is considered a site that is suitable for development and the proposal itself is considered acceptable in terms of satisfying the local need for housing.

6.2 Considering the above and having given due consideration to all relevant planning matters, it is believed that the proposal is acceptable subject to conditions regarding adapting the estate road to the site and compliance with the ecological plan. Should

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this be done, it is considered that the proposal satisfies the requirements of the relevant policies as noted above.

**7. Recommendation:**

7.1 To delegate the right to the Senior Planning Manager to approve the application, subject to receiving favourable observations from the Joint Planning Policy Unit on the content of the Linguistic Statement and to receiving favourable observations on the amended Ecological Report from Natural Resources Wales and the Biodiversity Unit and to the following conditions:

1. Time
2. Comply with plans;
3. External wall materials to be agreed;
4. Slates on the roofs of the dwellings and samples to be presented prior to the commencement of development;
5. Landscaping details to be submitted for approval;
6. Landscaping plan implementation period;
7. Welsh Water conditions - not to build within 3m of the public sewer;
8. Improvements to the estate road to be implemented before commencing any work on constructing the houses; improvements to be continuously maintained;
9. The car parking area to be completed before the development is occupied.
10. The development to be completed in accordance with the submitted Traffic Management Plan.
11. Development to be in accordance with the recommendations of the amended Ecological Report dated August 2016 and any relevant condition from Natural Resources Wales / Biodiversity Unit.
12. Withdrawal of PD
13. Working hours to be restricted
14. Lighting plan to be agreed