



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 14/06/18

Ymweliad â safle a wnaed ar 14/06/18

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 10 Awst 2018

Appeal Decision

Hearing Held on 14/06/18

Site visit made on 14/06/18

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date : 10 August 2018

Appeal Ref: APP/P9502/A/17/3182422

Site address: Land adjacent to Cerrigochion Road, Brecon, Powys

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Hall of Par Homes against the decision of Brecon Beacons National Park Authority.
 - The application Ref 16/13596/FUL, dated 27 May 2016, was refused by notice dated 14 March 2017.
 - The development proposed is described as the 'Change of use of agricultural land to mixed use development comprising full planning permission for 119 residential units (C3), public open space, landscaping, highway improvements and associated engineering works and outline planning permission with all matters reserved for 0.5 hectares of employment space (B1)'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to mixed use development comprising 119 residential units (C3), public open space, landscaping, highway improvements and associated engineering works and outline planning permission is granted for 0.5 hectares of employment space (B1) on land adjacent to Cerrigochion Road, Brecon, Powys in accordance with the terms of the application, Ref 16/13596/FUL, dated 27 May 2016 and the plans submitted with it subject to the schedule of conditions attached at Annex A.

Procedural and Preliminary Matters

2. The part of the application relating to employment space (Use Class B1¹) is made in outline form with all matters reserved for subsequent consideration. I have therefore dealt with this element of the proposal on that basis, treating the corresponding part layout shown on Drawing Ref 13/011/207 Rev J Final Site Layout as indicative.
3. The proposal is 'Environmental Impact Assessment development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. An Environmental Statement (ES) was prepared in support of the application. In assessing the adequacy of the ES, PINS found that it was necessary for the appellant to submit additional information in relation to the number of

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended).

affordable units to be provided, updating of the Socio-Economic chapter accordingly and to deal with the effect of the development on the physical and mental health of the population, an assessment of the effect on air quality (including mitigation, if necessary) and the provision of a lighting assessment. The additional information was submitted by way of an Addendum, replacing Chapter 4 Proposed Development, Chapter 7 Socio-Economics and Chapter 13 Summary. I am satisfied that the ES meets the requirements of the relevant Regulations and have taken it, and the views of statutory consultees and others, into account in reaching my decision.

4. The application includes sufficient information to enable me as the Competent Authority to determine whether an Appropriate Assessment ("AA") is required under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). The ecological status of the River Usk Special Area of Conservation (SAC) is a major determinant of Favourable Conservation Status for all features, and the main nature conservation issues relate to the risk of pollution from foul and surface water drainage at the site and its impact on water quality. It is the Authority's opinion that there would be no likely significant effects. I am satisfied with the conclusion of the assessments included with the application and agree that there would be no likely significant effects. I do not therefore consider that an AA is required.
5. The appeal was originally made on the basis of the Authority's refusal of the application on the grounds that the development fails to secure a minimum 20% affordable housing in line with the requirements of Policies SP6, B LP1 and 28 of the adopted Brecon Beacons Local Development Plan 2013 (LDP).
6. Further to the refusal of the application, and in negotiation with the Authority and the District Valuer Service, the appellant submitted a revised Viability Assessment to take account of more up to date costs and values. As a consequence, all parties are in agreement that the proposed development is incapable of providing a minimum of 20% affordable housing on the grounds of financial viability, albeit a lesser contribution can be secured. However, Powys County Council (PCC), the Local Education Authority, has also sought a financial contribution towards education provision.
7. Although the Authority has withdrawn its reason for refusal, what remains at issue is whether the scheme makes adequate provision for affordable housing and, if so, whether the absence of other contributions is justified.
8. A S106 Legal Agreement ("the S106A") was drafted during the course of the application, which was subject to negotiation and review between Brecon Beacons National Park Authority, PCC, Gaufron Investments Limited and the appellant. After the close of the Hearing, I was provided with a copy of the completed, signed and dated S106A. The obligations in the S106A set out the contributions towards affordable housing (the Authority's Preferred Obligations) or, in the alternative, affordable housing and education provision (PCC's Preferred Option). It also secures a financial contribution in relation to a Traffic Regulation Order (TRO) together with the provision of public open space and a play area and the formation of a Management Company.
9. A Statement of Common Ground (SOCG) has been submitted with the appeal. It acknowledges that the parties are in agreement that the proposed development would make a significant contribution to housing land supply. Whilst it recognises that the proposed development is incapable of providing a minimum 20% affordable housing as required by Policies SP6, B LP1 and 28 of the adopted LDP, the Authority is in agreement that the number of affordable housing units being secured is the maximum

that the development can provide on the grounds of financial viability. In its consideration of the application, the Authority did not take issue with matters of design, highway safety, flood risk or drainage, archaeology or heritage considerations, ecology or arboriculture, ground conditions, environmental health or the impact on the living conditions of existing residents. All technical matters have been comprehensively assessed and are acceptable in their own right or through the imposition of appropriate conditions or the execution of the obligations in the S106A. The reason for refusal has therefore been withdrawn and this matter is no longer contested by the Authority as part of the appeal.

Main Issue

10. Against this background, the main issue is whether the scheme makes adequate provision for affordable housing.

Reasons

11. The appeal site is situated in the settlement of Brecon and lies adjacent to the B4602. It is bounded to the east by fields, to the north by Coleg Powys and to the south by a Public Right of Way (bridleway) with an area of wooded land, fields and Brecon War Memorial Hospital beyond. It slopes steeply downwards in a south-westerly direction towards Cerrigcochion Road and is currently low quality grazed agricultural land which is largely enclosed by hedgerows and vegetation along its boundaries.
12. The site is allocated under LDP Policy 34 for mixed-use development comprising 4.55ha of housing land and 0.5ha of employment space. I therefore agree with the Authority that the principle of mixed use residential and employment development at the site is firmly established, notwithstanding the concerns of interested parties in this regard.
13. A community's need for affordable housing is a priority for both national and local planning policy. Accordingly, LDP Policy SP6 seeks affordable housing contributions on all proposals within 'Primary Key Settlements' in order to enable the provision of an estimated 475 units over the Plan period. Policy 28 seeks a 20% affordable housing contribution, albeit it recognises that the Authority will need to take a robust but flexible approach to the contributions requested which will be linked to market conditions and their impact on site viability. A provision below the 20% threshold may therefore be policy compliant provided that the reduction is justified for reasons of viability.
14. The appeal site lies in the Primary Key Settlement of Brecon. Based on the Authority's LDP policy position and its estimate of need based on its Local Housing Market Assessment, Affordable Housing Needs Register and RSL / constituent Authority waiting lists, it is accepted that there is a significant need for both open market and affordable housing across the Plan area. As already acknowledged, the Viability Assessment demonstrates that it is not financially viable for 20% affordable housing to be provided on this site. However, the contribution level that is being sought, i.e. the provision of 9no affordable housing units (which equates to some 7.56%), recognises the Authority's evidence of need and has been determined by the financial viability of the scheme. The reduced contribution, in this case, reflects the economic realities of the site.
15. Consequently, a contribution secured by way of a S106A would be consistent with the LDP policies to secure affordable housing and the Viability Assessment has confirmed the level of the provision that the development can afford. In this context, it is also fully justified in line with the advice in Planning Policy Wales, Technical Advice Note 2

'Planning and Affordable Housing' 2006 and Welsh Government's 'Delivering Affordable Housing using Section 106 Agreements: A Guidance Update' 2009.

16. Given that I consider that an obligation to provide the maximum number of affordable units borne out of the Viability Assessment is consistent with the clear policy priority to secure affordable housing, the developer's contribution has reached a threshold beyond which it is not possible to pursue any additional financial contributions.
17. However, even if that were not the case, I have had regard to whether the absence of other contributions which, in this instance, amounts to an education contribution sought by PCC, is justified. PCC has sought £125,000 towards its 21st Century Schools Programme in Brecon. In the event that I find in its favour, the affordable housing provision would be offset, resulting in the provision of 6no affordable units and a financial contribution to education provision. I note that this is not the preferred position supported by the Authority.
18. LDP Policy 53 provides for developers to enter into Planning Obligations or to contribute via the Community Infrastructure Levy, to ensure that no adverse effect or unacceptable harm will come to *inter alia* the socio-economic well-being of communities as a result of new development.
19. I must rely on the written submissions in this respect since no representative of PCC was at the Hearing to give oral evidence. It seems to me that the contribution sought would be towards the wider schools programme, rather than directly related to the development before me; the position put forward is that the contribution is based on future projection of school rolls rather than an existing shortfall and the amount of the contribution was reduced during negotiations to provide for one additional classroom². However, on the basis of the uncertainty regarding the exact scheme to which the contribution would be put, neither am I confident that the money would be utilised within the five year period specified in the S106A³.
20. Hence I cannot conclude that the financial contribution sought by PCC is justified in terms of LDP Policy 53 to mitigate any adverse effect on the socio-economic well-being of communities as a result of the proposed development or that it is necessary or properly related to the development.

Other Matters

21. Interested parties have raised a number of concerns in relation to the effect of the development on the character and appearance of the area and on the special qualities of the National Park, the sustainability of the location, light pollution, foul and surface water drainage and flooding, pressure on existing services, highway safety, and the effect on ecology and archaeology. Some of these concerns will be addressed through conditions attached to the planning permission.
22. As already noted the site is allocated for mixed use development in the LDP. The principle of the development has therefore been established, and the sustainability of the location and access to services has already been considered as part of the Authority's site allocation process. The ES addresses the majority of the other areas of concern and, based on its content, neither the Authority nor statutory consultees have raised any objection to the proposal. There is no compelling evidence before me

² I understand that the contribution originally sought between £285,000 and £342,000 for the provision of 2no classrooms.

³ Schedule 2 to the S106 Agreement outlines the Authority's Covenants and requires that the amount of any payment made under the Agreement which has not been expended within five years of the date of the receipt of the payment shall be refunded.

that leads me to any different conclusions to that of the Authority in respect of these matters.

Conditions and Obligations

23. It is necessary to consider whether the obligations meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations ("the CIL Regulations), Circular 13/97 '*Planning Obligations*' and the policy tests in PPW and LDP Policy 53 in order to determine whether or not they can be taken into account in any grant of planning permission. The requirements are that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question.
24. In terms of the affordable housing and education contributions, the S106A has been drafted to enable either the Authority's preferred position (the provision of 9no affordable units with no education contribution) or PCC's request for an education contribution (with the provision of 6no affordable units) to be secured. I have found that PCC's request for an education contribution is not necessary or properly related to the development, either in full or in part, so as not to satisfy the terms set out in the CIL Regulations. However, as the provision of affordable housing is necessary and fairly related to the development in scale and kind, the appellant is required to comply with the Authority's Preferred Obligations at Part 3 of Schedule 1 and detailed in clause 4.1(a) of the Deed (and, for the avoidance of doubt, shall not be required to comply with the terms set out in Part 4 of Schedule 1).
25. PCC has also requested a contribution of £1,500 for the provision of a TRO on Cerrigcochion Road that would fund yellow lining. This contribution is justified by the need to improve the existing situation along the highway network close to the site in order to accommodate the additional traffic generated by the development.
26. The provision of on-site POS and a LEAP on the southern part of the site together with the establishment of a Management Company to carry out the inspection, management and maintenance of the POS and LEAP, ensures on-going access to open space and play space for future residents.
27. Having regard to the provisions in the S106A, I am satisfied that the requirements are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. In conclusion, I find that the obligations provided in the legal agreement are in accordance with Regulation 122 of the CIL Regulations, Circular 13/97 and national and local planning policy.
28. The Authority submitted a list of conditions it considered necessary in the event of planning permission being granted. Aside from a time limit for commencement of development and the submission of reserved matters in relation to the outline element of the scheme, together with a requirement to comply with the approved drawings, the suggested conditions relate primarily to matters of drainage, construction management, landscaping, external lighting, ecology and arboriculture, archaeology, highways, access and parking, land contamination, details of the play area, refuse arrangements, phasing and the removal of permitted development rights.
29. I have had regard to the Authority's suggested conditions and whether they meet the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.
30. A condition defining the extent of the full and outline planning permissions and requiring details of the phasing of the development will ensure that it is appropriately

managed and built out. It will enable the developer to commence development on one part of the site whilst information is being put together for another part of the site in a later phase, thereby preventing delay.

31. Details of a drainage scheme in relation to land, foul and surface water are necessary to ensure the satisfactory drainage of the site.
32. Conditions relating to construction management (in terms of a Construction and Environmental Management Plan, an Ecological Construction Method Statement and a Construction Method Statement) are not only necessary to ensure that there would be no harm to ecological interests during the construction process, but would also be in the interests of highway safety and the living conditions of existing residents. Similarly, hours of operation conditions in relation to construction work and deliveries would ensure that the living conditions of existing residents are not adversely affected by the development.
33. Dealing specifically with ecology, the Authority suggested a condition requiring a landscape and biodiversity enhancement management scheme, requiring *inter alia* the provision of at least 119 features for bat roosting and bird nesting, reptile habitat creation, measures to protect the local hedgehog population, creation of a wildflower meadow and 'wetland and grassland habitat' (although no indication of whether the development was required to create, enhance or manage such habitat). Not only would such a condition not satisfy the tests in the Circular in terms of precision and necessity, it would not appear to directly relate to the limited ecological interests of the site and the more modest mitigation measures discussed in Chapter 8: Ecology and Nature Conservation of the ES. This matter was discussed at the Hearing and it was agreed that the condition should be reworded to require a scheme to be submitted and implemented that aligns with the recommendations outlined in the ES and the submitted Bat Survey. I am satisfied that, subject to the imposition of this condition, the proposal would not have adverse effects on nature conservation interests.
34. Furthermore, a condition requiring the submission of a lighting plan would prevent conflict with bat mitigation measures and wildlife corridors whilst a requirement for tree protection measures during the course of construction would ensure that these features are retained in the interests of ecology and visual amenity.
35. A condition requiring a programme of archaeological work is necessary to ensure that archaeological resources are protected.
36. Details of external finishes, landscaping, means of enclosure (including any retaining walls), refuse storage and external lighting are required to ensure a satisfactory appearance to the development.
37. Conditions relating to the provision of parking and turning for each dwelling, the phased completion of carriageways and footways, maintenance of vision splays, details of the drainage and construction of estate roads, the completion of off-site highway works and the Toucan signal are necessary in the interest of highway safety.
38. In terms of land contamination, the requirement for the submission of an investigation and risk assessment, together with the submission of details in respect of remediation, monitoring and maintenance in the event that contamination is found is reasonable in the interest of public health and safety.
39. The issue of the removal of permitted development rights were discussed, and it was agreed that a condition should be imposed withdrawing permitted development rights with reference to the Town and Country Planning (General Permitted Development)

Order in relation to the conversion of garages and the erection of means of enclosure forward of the principal elevations of the dwellings. Given that the garages provide for off-street parking, the LPA wish to retain control over any conversions. It also wishes to control any means of enclosure forward of the principal elevations of the dwellings so as not to compromise the open plan design of the development. I do not consider this to be unreasonable.

40. A condition requiring the provision of the play area is unnecessary as this would be adequately secured by the obligations in the S106A. Furthermore, it was agreed with both parties that several of the conditions in relation to gradients and construction details of the carriageway, as requested by the Highway Authority, have been omitted on the grounds that these matters are controlled by other legislation outside the planning regime. They are therefore unnecessary.
41. Specifically in respect of the outline element of the proposal, a restriction on the use of the employment land to uses in Class B1 of the Town and Country Planning (Use Classes) Order 1987 is necessary in the interests of protecting the living conditions of future residents.

Conclusions

42. I consider that the proposed development would make a significant contribution to housing land supply which is given considerable weight due to the Authority's evidenced housing land supply shortage.
43. I have also had regard to the national and local planning policy presumption in favour of sustainable development and, in this case, I find that the proposal would deliver a mix of housing. The scheme would make a modest contribution to affordable housing in accordance with identified needs and at a level that has been realised in light of economic circumstances. There is no reason why the appeal scheme should not provide a high quality built environment with a sustainable solution to drainage. There are opportunities within this location to travel by modes other than the car. The site is accessible to local shops and services. There is a bus service available and cycle facilities. This seems to me a very accessible location that would offer new residents realistic choices.
44. Thus I find that the proposal would assist in the delivery of a wide choice of high quality homes and contribute to creating a sustainable, inclusive and mixed community. In my judgement there would be no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies of the development plan and PPW as a whole. My overall conclusion is that this would be a sustainable form of development and that the appeal should be allowed.
45. For the reasons I have given, and having regard to all matters raised, the appeal is allowed.
46. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

Melissa Hall

Inspector

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Hall	Appellant, Par Homes
Mr Mark Roberts	Planning Consultant, Barton Willmore
Mr Joe Ayoubkhani	Planning Consultant, Barton Willmore
Mr Chris Charlton	Solicitor, Clarke Willmott

FOR THE LOCAL PLANNING AUTHORITY:

Mr Matthew Griffiths	Planning Officer
Ms Bridgit Symons	Ecologist
Ms Claire Giles	District Valuer Service

INTERESTED PERSONS:

Ms Stockton	Resident
Mr Scott	Resident
Mr & Mrs McCornell	Residents

DOCUMENTS

- 1 Amended plans that accompanied the application – Drawing Refs 13/011/TCP101A (Plot 1), 13/011/TCP1002A (Plot 2), 13/011/TCP1003A (Plots 3 & 4), 13/011/TCP1005A (Plots 5 & 6), 13/011/TCP1009A (Plots 9 & 25), 13/011/TCP1020A (Plots 20 & 21), 13/011/TCP1022A (Plots 22 & 23), 13/011/TCP1024A (Plot 24), 13/011/TCP1028B (Plot 28), 13/011/TCP1042A (Plots 42 & 43), 13/011/TCP1048A (Plot 48), 13/011/TCP1049A (Plots 49 & 50), 13/011/TCP1057A (Plot 57), 13/011/TCP1060A (Plots 60 & 61), 13/011/TCP1063A (Plot 63 & 64), 13/011/TCP1070A (Plots 70 & 71), 13/011/TCP1074A (Plots 74 & 75), 13/011/TCP1076A (Plots 76 & 77), 13/011/TCP1078A (Plots 78 & 79), 13/011/TCP1004 (Plots 84-93), 13/011/TCP1117A (Plots 117 & 118).

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE HEARING

- 1 Signed and dated Section 106 Agreement

Annex A – Appeal Ref APP/P9502/A/17/3182422

Schedule of conditions subject to which planning permission is granted:

1. Drawing Ref 13/011/TCP02A shows the extent of the land to which the full and outline planning permissions relate. Conditions 2 to 32 have effect in respect of the full planning permission and conditions 33 to 48 with regard to those elements of the development granted outline planning permission. Prior to the commencement of works, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved phasing plan unless otherwise agreed by the Local Planning Authority.

Full planning permission for residential development:

2. The development hereby permitted shall be begun no later than the expiration of five years beginning with the date of this permission.
3. The development hereby approved shall be carried out in accordance with the following approved plans:

13/011/TCP01A	Location Plan
13/011/TCP02A	Block Plan as Existing
13/011/TCP06E	Site Layout – Roofscape
13/011/TCP07	Garage Details
13/011/TCP08B	Typical Site Sections Sheet 1
13/011/TCP09C	Typical Site Sections Sheet 2
13/011/207 Rev J	Final Site Layout
13/011/IS/GA Rev C	Inset Key Layout
13/011/IS/01 Rev A	Inset Site Plan 01
13/011/IS/02	Inset Site Plan 02
13/011/IS/03 Rev C	Inset Site Plan 03
13/011/IS/04 Rev B	Inset Site Plan 04
13/011/IS/05 Rev B	Inset Site Plan 05
13/011/IS/06 Rev B	Inset Site Plan 06
13/011/IS/07 Rev A	Inset Site Plan 07
18429/DS1 Rev A	Proposed Drainage Strategy Engineering Site Plan
18429/03 Rev D	Engineering Site Plan
18429/04 Rev E	Part Engineering Site Plan
18429/05 Rev B	Part Engineering Site Plan
18429/06 Rev B	Part Engineering Site Plan
18429/07 Rev A	Part Engineering Site Plan
18429/08 Rev A	Roads & Drainage Longitudinal Sections
18429/09	New Roundabout Markings and Signage Site Plan
18429/10	SW drainage construction details
2408/01	Overall Plan: Perimeter planting and specimen tree planting
2408/03	Planting Plan: Sheet 1 North/West
2408/02	Planting Plan: Sheet 2 North/East
2408/04	Planting Plan: Sheet 3 South/West
2408/05	Planting Plan: Sheet 4 South/East
13/011/TCP101A	Plot 1
13/011/TCP1002A	Plot 2

13/011/TCP1003A	Plots 3 & 4
13/011/TCP1005A	Plots 5 & 6
13/011/TCP1007	Plots 7 & 8
13/011/TCP1009A	Plots 9 & 25
13/011/TCP1010	Plots 10-19
13/011/TCP1011	Plots 10-19
13/011/TCP1012	Plots 10-19
13/011/TCP1020A	Plots 20 & 21
13/011/TCP1022A	Plots 22 & 23
13/011/TCP1024A	Plot 24
13/011/TCP1026	Plots 26 & 27
13/011/TCP1028B	Plot 28
13/011/TCP1029	Plot 29
13/011/TCP1030	Plot 30
13/011/TCP1031	Plot 31
13/011/TCP1032	Plot 32
13/011/TCP1033	Plot 33
13/011/TCP1034	Plot 34
13/011/TCP1035	Plot 35
13/011/TCP1036	Plot 36
13/011/TCP1037	Plot 37
13/011/TCP1038	Plots 38 & 39
13/011/TCP1040	Plots 30 & 41
13/011/TCP1042A	Plots 42 & 43
13/011/TCP1044	Plots 44 & 45
13/011/TCP1046	Plot 46
13/011/TCP1047	Plot 47
13/011/TCP1048A	Plot 48
13/011/TCP1049A	Plots 49 & 50
13/011/TCP1051	Plots 51 & 52
13/011/TCP1053	Plots 53 & 54
13/011/TCP1055	Plots 55 & 56
13/011/TCP1057A	Plot 57
13/011/TCP1058	Plot 58 & 59
13/011/TCP1060A	Plots 60 & 61
13/011/TCP1062	Plot 62
13/011/TCP1063A	Plot 63 & 64
13/011/TCP1065	Plot 65
13/011/TCP1066	Plots 66-69
13/011/TCP1067	Plots 66-69
13/011/TCP1070A	Plots 70 & 71
13/011/TCP1072	Plots 73 & 73
13/011/TCP1074A	Plots 74 & 75
13/011/TCP1076A	Plots 76 & 77
13/011/TCP1078A	Plots 78 & 79
13/011/TCP1080	Plots 80 & 81
13/011/TCP1082	Plots 82 & 83
13/011/TCP1084	Plots 84-93
13/011/TCP1085	Plots 84-93
13/011/TCP1086	Plots 84-93
13/011/TCP1094A	Plots 94 & 95
13/011/TCP1096	Plots 96-99
13/011/TCP1097	Plots 96-99

13/011/TCP1101	Plots 100-103
13/011/TCP1100	Plots 100-103
13/011/TCP1104A	Plot 104
13/011/TCP1105	Plot 105
13/011/TCP1106A	Plot 106
13/011/TCP1107A	Plots 107 & 108
13/011/TCP1009	Plots 109-112
13/011/TCP1110	Plots 109-112
13/011/TCP1113	Plots 113-116
13/011/TCP1114	Plots 113-116
13/011/TCP1117A	Plots 117 & 118
13/011/TCP1119	Plot 119

4. Other than works of site clearance, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
5. Prior to commencement of development and prior to any vegetation clearance, a detailed Construction and Environmental Management Plan (CEMP) based upon the principles outlined in Chapter 6 of the Environmental Statement has been submitted to the Local Planning Authority and approved in writing. The CEMP shall cover the implementation of the construction phase with particular reference to the ground preparation of the site, the site compound, storage of materials and waste, lighting during construction and all pollution prevention measures. The CEMP shall be implemented as approved.
6. Prior to commencement of development works and prior to any vegetation clearance, an Ecological Construction Method Statement (ECMS) shall be submitted to the Local Planning Authority and shall be implemented as approved. The ECMS shall include details of the appointment of a suitably qualified Ecological Clerk of Works to supervise and monitor the implementation of the ECMS.
7. The landscaping plan shown on drawings 2408/01 – Overall Plan: Perimeter planting and specimen tree planting; 2408/03 – Planting Plan: Sheet 1 North/West; 2408/02 – Planting Plan: Sheet 2 North/East; 2408/04 – Planting Plan: Sheet 3 South/West; and 2408/05 – Planting Plan: Sheet 4 South/East shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. Prior to the commencement of development, a biodiversity enhancement and management scheme which responds to the mitigation measures identified in Chapter 8: Ecology and Nature Conservation as informed by the submitted Bat Survey report dated February 2015 and the extended Phase 1 Habitat and Species Assessment dated June 2014 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
9. Notwithstanding the submitted lighting scheme, prior to the installation of lighting, an external lighting plan shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall include details of the siting and type of lighting to be used, drawings setting out light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors and mitigation habitats are not illuminated. The scheme should address the construction and operation phases, including measures to monitor lux levels and the remedial action to be taken where problems are identified. The lighting scheme shall demonstrate that Slwch Lane will be kept dark. The lighting plan shall be implemented as approved.

10. No development shall take place within the area of archaeological interest (as defined in the Archaeological Evaluation Report by Archaeology Wales Ltd. (January 2017) (Section 6) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work.

The developer shall ensure that a suitably qualified archaeological contractor is employed to carry out an Archaeological Excavation. The archaeological works shall be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority and must meet the standards laid down by the Institute for Archaeologists in their Standard and Guidance for archaeological excavation.

A copy of the Excavation Report shall be submitted to the Local Planning Authority for approval. Following approval, the report shall be submitted to the National Park Archaeologist and the local Welsh Archaeological Trust for inclusion in the Regional Historic Environment Record (HER).

11. Development shall be carried out in compliance with the requirements of sections 5.4, 5.5 and all of section 6 of the Arboricultural Assessment, dated 4 November 2016.
12. The tree constraints plan as shown on drawing no. 1002 Rev C accompanying the updated Arboricultural Assessment dated 4 November 2016 shall be implemented in full. The tree protection fencing shall be erected and made available for inspection by the Local Planning Authority for a period of 14 days prior to any site clearance or construction works taking place on site. The tree protection measures shall be retained in full for the duration of development.
13. Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the estate road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct visibility. The visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
14. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles and any associated turning area in accordance with detail contained on the approved Drawing 13/011/207 Rev J. The parking spaces and turning areas shall thereafter be retained for the parking of vehicles.
15. In respect of each phase as identified in the phasing plan to be agreed under Condition 1, no building shall be occupied before, the estate road carriageway and one footway is to be constructed to and including binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building and to the junction with the county highway.

16. In respect of each phase as identified in the phasing plan to be agreed under Condition 1, the estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
17. Prior to the commencement of development a Construction Method Statement covering the required highway works along Cerrigcochion Road shall be submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.
18. Notwithstanding the submitted details, within 10 days from the commencement of the development full engineering details of the estate road, which shall include surface water drainage and footway and carriageway construction, shall be submitted to and approved in writing by the Local Planning Authority. The engineering detail approved shall be fully completed and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved.
19. Prior to any works being commenced on the development site, unless a variation is approved in writing by the Local Planning Authority, the offsite highway works detailed on drawing 18429/03 Revision E from Roger Casey Associates shall be completed. Such works shall include the construction of the roundabout, northern and southern footway links along Cerrigcochion Road and the initial 25m of the access road which serves the development. The works detailed shall be constructed to adoptable standard prior to any works being commenced on the development site.
20. Prior to first occupation of any the dwellings hereby approved, the new Toucan signal upgrade on Cerrigcochion Road, as detailed on drawing 18429/03 Revision E from Roger Casey Associates, shall be installed and fully operational to the written satisfaction of the Local Planning Authority.
21. No deliveries of construction materials or plant and machinery and no removal of any material from the site shall take place before the hours of 0730 nor after 1800 on Monday to Friday; before the hours of 08:00 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays.
22. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 on Monday to Friday; before the hours of 0800 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays.
23. No development shall take place, including any ground works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking and turning of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities or an explanation why they are not necessary;

- e) The erection and maintenance of security hoarding;
 - f) The preservation of the right of way route and its temporary diversion if deemed necessary;
 - g) The management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway.
 - h) Measures to control the emission of dust and dirt during construction
 - i) Provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or subbase and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
24. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments
 - (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.
25. In the event that contamination is found, prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the application site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.
26. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.
27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.
28. Prior to the construction of the buildings hereby approved, details of the materials to be used in the construction of the development hereby permitted shall be submitted to

and approved in writing by the Local Planning Authority. The submitted details shall include samples, along with details of brick bonding and mortar/render colour and texture. The development shall be carried out in accordance with the approved details.

29. In respect of each phase as identified in the phasing plan to be agreed under Condition 1, a plan indicating the positions, height, design, materials and type of boundary treatment, including details of any retaining walls to be erected, shall be submitted to and approved by the Local Planning Authority. The boundary treatments shall be completed as approved before the occupation of each associated dwelling in that phase.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house other than those expressly authorised by this planning permission.
31. The garages to be provided shall be kept available for the parking of motor vehicles at all times.
32. Prior to the occupation of any of the apartments, the associated refuse storage arrangements shall be laid out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the position, height, design, materials of the refuse storage facilities.

Outline planning permission for employment development:

33. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
34. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
35. The development hereby granted outline planning permission shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
36. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
37. No development or vegetation clearance shall occur before a detailed Construction and Environmental Management Plan (CEMP) based upon the principles outlined in Chapter 6 of the Environmental Statement has been submitted to the Local Planning Authority and approved in writing. The CEMP shall cover the implementation of the construction phase with particular reference to the ground preparation of the site, the site compound, storage of materials and waste, lighting during construction and all pollution prevention measures. The CEMP shall be implemented as approved.

38. Prior to the commencement of development, a biodiversity enhancement and management scheme which responds to the mitigation measures identified in Chapter 8: Ecology and Nature Conservation as informed by the submitted Bat Survey report dated February 2015 and the extended Phase 1 Habitat and Species Assessment dated June 2014 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
39. Development shall be carried out in compliance with the requirements of sections 5.4, 5.5 and all of section 6 of the Arboricultural Assessment, dated 4 November 2016.
40. The tree constraints plan as shown on drawing no. 1002 Rev C accompanying the updated Arboricultural Assessment dated 4 November 2016 shall be implemented in full. The tree protection fencing shall be erected and made available for inspection by the Local Planning Authority for a period of 14 days prior to any site clearance or construction works taking place on site. The tree protection measures shall be retained in full for the duration of development.
41. No deliveries of construction materials or plant and machinery and no removal of any material from the site shall take place before the hours of 0730 nor after 1800 on Monday to Friday; before the hours of 08:00 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 on Monday to Friday; before the hours of 0800 nor after 1300 on Saturdays; nor at any time on Sundays or public holidays.
42. No development shall take place, including any ground works, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking and turning of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities or an explanation why they are not necessary;
 - e) The erection and maintenance of security hoarding;
 - f) The preservation of the right of way route and its temporary diversion if deemed necessary;
 - g) The management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway.
 - h) Measures to control the emission of dust and dirt during construction
 - i) Provision within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or subbase and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

43. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments
 - (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.
44. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.
45. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.
46. Prior to the commencement of development, a Contamination Monitoring and Maintenance Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The Contamination Monitoring and Maintenance Method Statement shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.
47. Access to the area of the site subject to outline planning permission shall be provided from the access shown on drawing 13/011/207 Rev J and no direct access shall be provided to this area of land from Cerrigcochion Road.
48. The employment land shall be restricted to uses in Class B1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) only.