

PLANNING COMMITTEE	DATE: 21/06/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 5

Application Number: C20/0870/45/LL

Date Registered: 26/10/2020

Application Type: Full

Community: Pwllheli

Ward: Pwllheli

Proposal: Erection of five dwellings together with access, parking and landscaping

Location: Land near Ysgubor Wen, Pwllheli, LL53 5UB

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

1.1 This is a full application to construct five dwellings as well as modifying an access, creating an estate road and parking spaces together with landscaping. The dwellings would be two-storey with three detached and two semi-detached dwellings. Externally, they will be finished with pitched natural slate roofs with external wall finishes in a combination of render, natural stone and timber. Internally there is some variety in terms of size and layout, for clarity, the details are as follows:

Plot 1 - ground floor: living room, kitchen/dining room, utility room, toilet

first floor - three bedrooms (two en-suite), bathroom

Plot 2 - ground floor: living room, kitchen/dining room, toilet

first floor - three bedrooms (one en-suite), bathroom

Plot 3 - ground floor: living room, kitchen/dining room, toilet

first floor: two bedrooms, bathroom

Plot 4 - ground floor: living room, kitchen/dining room, toilet

first floor: three bedrooms (one en-suite), bathroom

Plot 5 - ground floor: living room, kitchen/dining room, en-suite bedroom, utility room, toilet

first floor: three en-suite bedrooms, snug room, external balcony

See also the intention to erect a separate flat roof building on plot 5 to be used as a vehicle port and storage.

The new estate road will lead into the site with pavements on the side and then individual entrances to the five plots with parking areas to be created to their front for at least two vehicles for each house. All the plots have gardens with separate septic tanks to be installed within each individual plot. The houses on plots 3 and 4 will be affordable units.

1.2 The site is located on the outskirts of the town of Pwllheli in an area known as Denio. Nearby, to the south, there are residential dwellings with one house opposite the north-western section of the site. To the north is a public cemetery together with a chapel with scattered residential dwellings to the north-east.

1.3 An unclassified public highway runs along the western boundary of the site and includes an established hedge. The existing site is open agricultural land with a standard access that has already been created onto the land off the nearby road. It is seen that the level of the land rises from the north towards the south.

1.4 A Habitats Survey, Planning Statement, Valuation Report for the Affordable Units, Housing Mix Statement were submitted as well as extensive information regarding the application's drainage arrangements.

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1.5 Most of the site is located within the town's development boundary with a small section of the site located outside, but directly adjacent to it. The site and the wider area is within the Llŷn and Bardsey Landscape of Outstanding Historic Interest designation.

1.6 The plan has been amended, since it was originally submitted, as a result of the observations from the Transportation Unit and the Biodiversity Unit. Clear footpaths were added between the front doors of the dwellings on plots 1-4 and the parking spaces in front in response to the observations of the Transportation Unit. In response to the observations of the Biodiversity Unit, and to restore the condition of the hedges on the site, the plan was amended to show the intention to plant more native trees in the gaps that currently exist, as well as installing bat boxes on the gable-ends of the five new 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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. 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 reaching 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.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PCYFF 6: Water conservation

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

AMG 5: Local Biodiversity Conservation

PS 19: Conserving and enhancing the natural environment where appropriate

PS 1: The Welsh Language and Culture

PS 4: Sustainable Transport, Development and Accessibility

TRA 2: Parking standards

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TRA 4: Managing transport impacts

PS 17: Settlement strategy

TAI 1: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 8: An appropriate mix of housing

PS 18: Affordable housing

TAI 15: Affordable housing threshold and distribution

TAI 16: Exception Sites

AT 1: Conservation Areas, World Heritage Sites and Landscapes, Registered Historic Parks and Gardens

AT 4: Protection of non-designated archaeological sites and their setting

PS 20: Preserving and where appropriate enhancing heritage assets

ISA 1: Infrastructure provision

Also relevant in this case is:

Supplementary Planning Guidance (SPG):

SPG: Affordable housing

SPG: Housing Mix

SPG: Maintaining and Creating Distinctive and Sustainable Communities

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

Technical Advice Note 2: Planning and affordable housing

Technical Advice Note 20: Planning and the Welsh language

Technical Advice Note 5: Planning and Nature Conservation

3. **Relevant Planning History:**

3.1 Application C18/0389/45/AM – construction of three dwellings with one as an affordable dwelling - approved 12/04/19

Application C06D/0214/45/AM – construction of dwelling house with associated granny flat - refused 06/06/06

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4. Consultations:

Community/Town Council: No objection

Transportation Unit: Initial concern regarding parking arrangements for plots 1-4 Having received additional details and amendments, it is accepted that the arrangements are now acceptable.

Natural Resources Wales: Significant concerns noted regarding the application in terms of drainage/sewerage matters stating the need to connect to the public sewer system rather than including private systems. Observations were also noted about ecological matters. Information was received in due course and it was confirmed that the applicant had sufficiently shown that a connection to the public sewer would entail unreasonable costs compared to the installation of five private waste treatment facilities; therefore, there is no objection to the application on the grounds of foul drainage. It is suggested that conditions are imposed regarding drainage and ecology matters.

Welsh Water: Standard response and advice regarding connection with water supply to the site together with noting that a mains water supply crosses part of the site.

Public Protection Unit: Not received

Biodiversity/Trees Unit: The survey submitted is of a good standard, the existing hedge on the site is in an unfavourable condition and of low Biodiversity value. Biodiversity improvements are suggested within the site. No objection based on trees.

Rights of Way Unit: It would not have any impact on any nearby path.

Land Drainage Unit: Standard advice regarding SUDS matters

Archaeological Service: Due to the location of the site close to historic locations, it is suggested that standard conditions are included to agree on a programme of archaeological work.

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Language Unit: Awaiting a response

Strategic Housing Unit: Not received at the time of preparing this report

Public Consultation: Notices were posted on the site and nearby residents were notified. The advertisement period has expired and letters / correspondence were received objecting on the following grounds:

- Existing traffic issues will be exacerbated because of this development.
- The road is narrow and winding and would increase its density of use to a dangerous level.
- There is an existing deterioration in the area's wildlife and this development would exacerbate this.
- Increasing detrimental impact from the bottom of Allt Salem up to Deino because of various developments in this area.
- No pavement on narrow roads, which is dangerous

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The majority of the site is within the development boundary of the town of Pwllheli as noted in the Anglesey and Gwynedd Joint Local Development Plan. It is important to consider the principle of the development against Policy PCYFF 1 ('Development Boundaries'), Policy PS 5 (Sustainable Development), Policy TAI 1 (Houses in the sub-regional centre and urban service centres), and Policy TAI 15 ('Affordable Housing Threshold and Distribution').
- 5.2 In terms of policy PCYFF 1, it is believed that the proposal is acceptable in principle due to the site's location within the current development boundary. In the same manner, policy PS 5 encourages developments where it can be demonstrated that they are consistent with the principles of sustainable development and the principle is also acceptable in terms of several criteria in this policy.
- 5.3 In the LDP, Pwllheli has been identified as an Urban Service Centre under policy TAI 1. This policy encourages a higher proportion of new developments within our urban centres, including windfall sites like this one, by providing a mix of open market housing and affordable housing.
- 5.4 The Joint Planning Policy Unit has confirmed that the indicative housing provision for Pwllheli over the period of the Plan has been delivered, meaning that this development would exceed the indicative supply level for the town. The total indicative supply in the LDP is 323; between the total number of houses already completed and the number that are likely to be completed, and the number of designated sites, the current total is 327, which is 4 more than the indicative supply figure. It is recognised that the town of Pwllheli has an important role as an Urban Service Centre, and policy TAI 1 notes that a higher proportion of developments will be referred to

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centres such as these. As these figures are greater than the indicative supply figure, a justification has been received with the application outlining how the proposal will address the needs of the local community and the Joint Planning Policy Unit have assessed this.

- 5.5 Based on this information, and having considered the site's relevant planning history where 3 houses have already been approved (with one being affordable), it is considered that an increase of an additional 2 living units to the 3 that have already been approved may be acceptable in this case. The applicant has provided an appropriate justification for the housing development, as well as providing two affordable houses, and weighting can also be given to the fact that there is no permission on two of the housing designations in the Town as well as the question of whether one of the sites can provide the expected supply. The proposal would increase the supply of detached and semi-detached housing in the Town that is lower than the Gwynedd average especially for detached housing, and would therefore contribute to action point k) of the Local Housing Market Assessment (AMTLI). There are four different types of housing on the site that are in accord with action point r) of the AMTLI and criterion 3i of Policy TAI 15, Policy TAI 8 'An Appropriate Mix of Housing' and the relevant SPG. Due to the size and form of the units, it is deemed that they are likely to be attractive to local people and it is proposed to attract families to the site. It is believed that the proposal can address the need of the local community and through this assist to retain the local linguistic balance.
- 5.6 In terms of affordable housing, policy TAI 15 states that housing developments that propose two or more residential units as part of a development, must make a contribution towards affordable housing, in line with the threshold figures. From the information submitted with the application, it is noted that the housing to be constructed on plots 3 and 4 are affordable two and three bedroom houses. In the case of this application, it is necessary to provide 30% of the units to be affordable and this equates to 1.2. Two affordable houses are offered out of the five and one of these is located slightly outside of the development boundary, it is therefore considered as a house on a fairly rural site (TAI 16). Having considered the requirements of policy TAI 16 it is deemed that the proposal is acceptable in this aspect and the development as a whole is acceptable in terms of its form and location. The other affordable house that is part of the development is completely within the boundary and in this context it is considered that the provision satisfies the current affordable housing policies. Consideration must also be given to the relevant requirements of the Affordable Housing SPG, in relation to the size of the affordable units and in the case of the 2 two-bedroom houses, the total would be 83m², whilst it is expected that three-bedroom houses will measure 94m². This development notes that the two-bedroom house on plot 3 would measure 71.2m² and the three-bedroom house to be erected on plot 4 will measure 83.6². A valuation has been provided for the open market value of the affordable housing and officers agree with the valuation submitted in the form of the Red Book. There is a discussion regarding specifying the discount for these houses in order to ensure their affordability and this will be ensured via an appropriate 106 Agreement for both affordable units. On these grounds, it is considered that the affordable units that form part of the proposal meet the requirements of policy TAI 15 and TAI 16 as well as the Affordable Housing SPG.
- 5.6 Therefore, on this basis it is considered that the proposal satisfies the relevant requirements of the policies noted above and the proposal therefore acceptable in principle.

Visual amenities

- 5.7 Policy PCYFF3 states that proposals will only be permitted provided they conform to a number of criteria, including that the proposal complements and enhances the character of the site,

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building or area in terms of siting, appearance, scale, height, massing and elevation treatment; that it respects the context of the site and its place within the local landscape; that it utilises materials appropriate to its surroundings and incorporates soft landscaping; it enhances a safe and integrated transport and communications network; that it limits surface water run-off and flood risk and preventing pollution; that it achieves inclusive design allowing access by all and it helps to create healthy and active environments, and considers the health and well-being of future users.

- 5.8 The proposal involves building five two-storey houses on a site in an area where there are existing residential housing of various sizes, design and finish. Houses near the site vary from being detached two-storey, detached one-storey housing, two-storey terraced housing etc. The plan indicates that the roof height of the houses on plots 1-4 would be lower than permitted under the previous application on the site, due to the proposal to site them lower in the land. The house to be erected on plot 5 is larger than the other proposed houses, but compared to what was to be erected at this location under the previous application, in terms of roof height it would be comparatively similar although slightly larger. It can be seen that it would be further away from the existing boundary with the nearby road and would therefore reduce the impact on the existing hedge.
- 5.9 The external finishes of the buildings convey the common features seen within the nearby area namely, slate roofs, render and natural stone on the walls as well as vertical timber boards. The design of the building on plot 5 includes some more up-to-date forms but retains the main traditional features namely pitched natural slate roofs and external wall finishes in a combination of render, natural stone and timber. However, it would include some additional features such as elements of flat and green roofs while the car port will also include a green roof.
- 5.10 It is believed that the proposal in terms of its form and finish is acceptable and offers a quality development in terms of visual amenities by displaying a design and features that deliver and create a development that would be suitable and appropriate to the site and within the wider area. Consequently, it is considered that the proposal is acceptable based on the relevant requirements of Policy PCYFF 3.
- 5.11 The plan shows a proposal to include landscaping within the site including adding to and filling in the existing gaps within the boundary hedge with native plants. There are two existing trees to be felled on the boundary as permitted as part of the previous application, and the rest of the work will be undertaken in accordance with the findings and recommendations of the tree report conducted at the time. As usual, it is considered reasonable in this case to include a condition to agree on the exact planting details as well as to ensure that the tree report recommendations are followed and therefore, it is believed that the requirements of policy PCYFF 4 will be satisfied.
- 5.12 The site and the wider area is located within the Llŷn and Bardsey Landscape of Outstanding Historic Interest designation. It is not deemed that there would be a substantial detrimental impact based on this designation as only local impact is likely to occur rather than a wider impact and therefore it is not considered that the proposal is contrary to the relevant requirements of Policy AT 1 and PS 20.

General and residential amenities

- 5.13 Notices were posted on the site and nearby residents were informed. The proposal involves erecting five houses and the associated developments within a site that in its current form is open

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green land within the Pwllheli development boundary. It is, therefore, inevitable that there will be a change to the area's general and residential amenities. The majority of the houses will be sited on the northern end of the site with the corner of the nearest property approximately 12m away from the nearest part of the existing nearby property on the far side of the public highway that runs between both sites. In terms of the distances between the house on plot 5 and the nearest house to the south, it is seen that there is approximately 35m between them and an obvious difference in land level as the land falls from the south towards the north. It is seen that a balcony is to be included on this property, and as it is proposed to situate it on the front, it would not affect the residents of nearby houses as it would look over the front of plot 5 and the estate road with other houses on the site over 30m away to the north.

- 5.14 The form and scale of the proposal indicates an external amenity space for the residents of the houses in the gardens attached to the plots. Criterion 4 of policy PCYFF 2 states that proposals should "provide appropriate amenity space to serve existing and future occupants" while the requirements of policy PCYFF 3 notes that good design assists to provide a sense of place, creates or reinforces local distinctiveness, promotes social cohesion and social well-being. In this case, it is considered that this has been achieved via the setting of the site and the associated resources as well as the design and the size of the houses themselves. It is not felt that it would be an over-development and the proposal would not have a substantially negative impact on nearby amenities because of its setting, its size and form and that it would, consequently, be acceptable on the grounds of relevant criteria in policies PCYFF 2 and PCYFF 3.

Transport and access matters

- 5.15 Concerns were highlighted by local residents about the impact of this proposal on the local highway network in terms of the increasing impact bearing in mind other developments in the nearby area as well as current movements made in association with the area's residential housing and the nearby Coleg Meirion Dwyfor site. In addition, it was noted that the access road towards the site is narrow and winding and is sub-standard for its existing use not to mention an increase in impact as a result of this proposal.
- 5.16 It is recognised that the access road towards the site is fairly narrow with corners close to the site access. The existing access has been created into the site and is of a standard size and layout. It is proposed to maintain this access point and to modify some of it in order to improve visibility in and out of the site.
- 5.17 In terms of the concerns raised regarding road safety and the comments that Allt Salem was unsuitable to serve the development as it is a narrow and steep road and comprises a number of blind bends with no specific footpath, the Transportation Unit was consulted on the application and no objection was raised to the proposal in terms of any detrimental impact on the local highway network. It should be noted that the site stands alone and away from the town centre and there is no existing link such as a footway between the site and the town. However, the lack of a footway is a feature of the area and along a number of streets between the site and the town as well as the areas of Penrallt and Denio in general. In addition, there are traffic calming measures that keep traffic speeds low and appropriate.
- 5.18 Standard conditions are recommended in terms of design and construction of the estate road together with the parking spaces to be provided within the site. Although the concerns raised and the objections are noted, it is not considered that the proposal would cause unacceptable harm to the safe and efficient operation of the highway and as a result is acceptable in terms of the relevant

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requirements of policy TRA 4, while the number of parking spaces offered is acceptable in terms of the requirements of TRA 2.

Biodiversity matters

- 5.19 A habitats survey was submitted as part of the application and the Biodiversity Unit confirmed that it had been conducted to a totally acceptable standard. Although the survey's findings did not confirm a high biodiversity value, it was suggested that appropriate measures should be included to enhance biodiversity particularly in considering that green land would be lost because of the proposal. In due course, an amended plan was received indicating improvements to the site's landscaping as well as installing bat boxes on the gable-ends of the five houses to be erected on the site. Having considered the observations of the Biodiversity Unit and NRW, together with biodiversity matters concerning the site, it is deemed that the proposal is acceptable in terms of the relevant requirements of policies AMG 5 and PS 19.

Archaeological Matters

- 5.20 The application site is located opposite what was the original site of St Beuno's church for the parish of Denio. The name given to the application site, Cae Llan and the parallel field, Cae Eglwys, suggest a connection of some sort to the church. Having considered this, the Gwynedd Archaeological Planning Service suggests that standard conditions should be included if the proposal is approved to ensure that an appropriate record is undertaken on the land. They confirm that it is not of a scale where information would be required prior to determining the application itself but an appropriate programme is required to record any evidence that may be uncovered or disturbed as a result of the development. Therefore, it is considered that the proposal is acceptable and in accordance with the relevant requirements of policy AT4.

Infrastructure Matters

- 5.21 Concerns were highlighted originally by Natural Resources Wales due to the proposal to include individual sewage treatment systems within each plot rather than connecting to the nearby public system. Paragraph 6.6.21 of Planning Policy Wales states *"Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible"*.
- 5.22 A response was received from the agent to the comments of NRW: *'It is noted that the previous permission on the site was for 3 houses, that is extant, noting the need to connect to the public system ... it is not reasonable to demand that a connection is made as this would entail crossing third party land; the form of the land and the circumstances between the site and the public system. The distance noted by NRW is 117m but this is the direct distance through third party land and a connection through public lands would give an actual distance of over 350m ... a significant cost for undertaking the work that would make the development unviable'*
- 5.23 There was a full second consultation with NRW having received the above explanation (as well as a number of documents and extensive and expert information including details of costs) and as a result, it was accepted that including individual systems within the plots would be acceptable subject to ensuring that the models chosen are of a sufficient size to treat the highest maximum waste from each property. Therefore is considered that it is possible to justify the proposal as received and by imposing appropriate conditions, it can be ensured that the development is in accordance with the relevant requirements of policy ISA 1.

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- 5.24 It is seen that the site plan indicates provision within the site to dispose surface water through sustainable methods. A combination of infiltration ditches, timber holes and soakaways are suitable SUDS features and although it is proposed to include a condition to agree on the final detail matters as here with the approval body, it is considered that what is indicated is acceptable and in accordance with policy PCYFF 6.

Language Matters

- 5.25 This development proposes to erect new housing on a site within the development boundary, the site is not designated for the proposed use and therefore it is considered to be a windfall site.
- 5.26 Criterion 1c of policy PS 1 notes, if a development for 5 housing units or more on a designated site or windfall site within development boundaries that do not address the evidence of need and demand for housing recorded in a Housing Market Assessment, on the Housing Register, Tai Teg Register or Local Housing Survey, the impact of the development on the Welsh language in the community needs to be considered within a Welsh Language Statement. Although the applicant has already demonstrated how the proposal gives consideration to the Welsh language he is aware of the requirement for a Statement and intends to submit a Language Statement soon. It is trusted that it will have been received and assessed by the date of the Committee, when the contents can be reported orally. If the response of the Language Unit to the Statement is positive, then it is considered that the proposal meets with the requirements of policy PS1 and the 'Maintaining and Creating Distinctive and Sustainable Communities' SPG.

Relevant Planning History

- 5.27 It is seen that the principle of a residential development on this site has already been accepted and approved via the approval of the previous application for three houses (one being affordable). Although there is an evident increase between the current application and the previous in terms of the number of houses, it is felt that the existing proposal offers a better quality development making the best of a site that had not been previously completed in terms of density and housing mix for development. In addition, it is noted that the existing proposal offers two affordable houses and therefore there is an increase of one affordable unit. The earlier application was for three large detached houses and although one was affordable, the proposal did not make the best use of the site. In summary, it is deemed that the existing proposal is an improvement and provides one additional affordable house as well as better density in accordance with current requirements.

Response to the public consultation

- 5.28 It is recognised that concerns have been highlighted by some local residents regarding the impact of the proposal particularly in terms of the increasing impact on the local highway network and especially from the direction of the bottom of Allt Salem up the hill towards the Denio area. No concerns have been highlighted by the Transportation Unit to the proposal in terms of this aspect as noted above, and therefore it is considered that full consideration has been given to all the relevant matters here as well as all the other observations received during the application determination period.

6. Conclusions:

- 6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, as well as all the observations received during the public

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consultation period with statutory consultees as well as local residents and the planning history, it is believed that this proposal is acceptable and is in accordance with the requirements of the relevant policies as noted in the above assessment.

7. Recommendation:

7.1 To delegate powers to the Assistant Head of the Environment Department to approve the application, subject to the receipt of favourable observations from the Language Unit on the contents of the Language Statement and also to determine an appropriate discount to limit the value of the two affordable houses and the completion of a Section 106 Agreement to ensure that both houses are affordable for local need and to relevant conditions relating to:

1. Time
2. Compliance with plans
3. Agree on details of external materials including slate and finishes
4. Landscaping / Trees
5. Drainage matters
6. Biodiversity Matters
7. Archaeological Matters
8. Removal of the Affordable Housing's PD rights
9. Highways Matters
10. Agree on a Welsh name/signs
11. Agree on a Building Management Plan
12. Protection measures and improve the hedge
13. Agreement on boundary treatment details

Notes: SUDS and Welsh Water