

4. Penderfyniadau Apeliadau/Appeal Decisions

02-03-2023 - 05-04-2023

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
1	CAS-01875-G8V1T5	A210615	Mr E Jones	Called in	Plot Adj Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE	LPA Decision Overturned	07-03-2023

5. Apeliadau a Dderbyniwyd/Appeals Received

02-03-2023 - 05-04-2023

#	Cyfeirnod yr Apel / Appeal Reference	Cais / Gorfodaeth / Linked Application / Enforcement	Apeliwr / Appellant	Rhesymau dros apelio / Grounds for Appeal	Lleoliad / Location	Penderfyniad Allanol / External Decision	Dyddiad Penderfyniad Allanol / External Decision Date
1	CAS-02271-X6F9F4	A201119	Mr Meirion & Emyr Williams (Lampeter Tree Services Ltd)	Against refusal	Cae Celyn, Llanfair Road, Lampeter, SA48 8JX		



Ein cyf/Our ref: qA1646865

Mr Byron Jenkins
Byron Jenkins Architectural Consultancy
Capel Afan
Llanafan
Aberystwyth

By E-mail: byronwynjenkins@gmail.com

7 March 2023

Dear Mr Jenkins,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
CALLED IN PLANNING APPLICATION FOR PROPOSED BUILDING PLOT FOR ONE
DWELLING ALONG WITH A NEW ACCESS TO THE HIGHWAY.
PLOT ADJACENT DOLAU GWYN, DOLE, BOW STREET, ABERYSTWYTH, SY24 5AE.
APPLICATION NO. A210615.**

1. Consideration has been given to the report of the Inspector, regarding your client's planning application, Local Planning Authority ("LPA") reference: A210615.
2. On 5 April 2022, in accordance with Section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), the above named planning application was called in for decision by the Welsh Ministers. Under the provisions of the Government of Wales Act 2006, the power to determine applications under Section 77 of the 1990 Act has been transferred to the Welsh Ministers, these functions have been exercised by me as Minister for Climate Change.
3. The Inspector recommends planning permission be refused. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Issues

4. The Inspector considers the main considerations in this case are whether the development is acceptable in principle, having regard to the planning policy framework, and whether the development would be acceptable in terms of flood risk. I agree with the Inspector that these are the main issues relating to the application.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

5. For the purposes of the Ceredigion Local Development Plan (“LDP”) the application site falls within an area termed as ‘Other Locations’. Consistent with national planning policy, development in such locations should be strictly controlled, although there are some exceptions for affordable housing schemes. (IR 61)
6. The Inspector notes policy S04 of the adopted LDP states general housing provision will only be permitted in ‘*Linked Settlements*’ and that all ‘*Other Locations*’ are inappropriate for housing development unless justified on the basis that, amongst other things, it meets a demonstrated unmet affordable housing need in the locality and otherwise accords with Policy S05. Policy S05 goes on to seek to facilitate the delivery of affordable housing, specifically permitting 100% affordable housing sites where justified by evidence of unmet affordable local need. This includes those ‘*Other Locations*’, although the reasoned justification of Policy S05 goes on to clarify that such ‘*rural exception sites*’ would be required to be within or adjoining existing rural settlements which would not otherwise be released for market housing. (IR62)
7. The Inspector notes the application includes an executed planning obligation under Section 106 of the 1990 Act (“Section 106 Agreement”) retaining the dwelling as “affordable” in perpetuity, and despite objections received regarding the size of the proposed dwelling in relation to affordable housing standards, considers the submitted Section 106 Agreement, to which the LPA is a signatory, as meeting the relevant statutory and policy tests. (IR63)
8. The Inspector notes LDP Policy S05 permits exceptions for affordable dwellings, but these must be located within or adjoining existing settlements. The Inspector considers the proposed location is, despite some disagreement on actual distance, clearly outside of the nearest settlement and the proposal is therefore contrary to Policy S05 (IR64).
9. The Inspector states as the application site is located away from the settlements identified within the adopted LDP, it follows that development in such locations should be strictly controlled. (IR65)
10. The Inspector notes the existence of a rural bus service and plans for the construction of a nearby pedestrian route. The Inspector considers, however, that Dole is relatively isolated in terms of pedestrian access in the short term, and does not consider the suggestions for sustainable transport means to and from the site are viable alternatives to the car. (IR66)
11. The Inspector considers the proposal would comprise an unsustainable form of development in the rural countryside which would be contrary to national and local policy, as well as the principles of sustainable placemaking. (IR67)
12. The Inspector notes the development constitutes “highly vulnerable development” (“HVD”) for the purposes of Technical Advice Note (“TAN”) 15 “Development and Flood Risk”, and that the site lies within zone C2 of the Development Advice Map (“DAM”) accompanying the TAN. The Inspector also notes the Welsh Government has confirmed Natural Resources Wales’s ‘Flood Map for Planning’ (“FMP”) provides better and more up to date information than the DAM and may represent a material consideration in planning decisions. The FMP identifies the site as being partly within zones 2 and 3 for rivers. Zone C2 in the DAM, and Zone 3 in the FMP, are high risk areas for flooding. (IR68-69).
13. The application was accompanied by a Flood Consequences Assessment which considers flooding on-site could be managed to an acceptable level, including part-flooding of some of the site, but with the building footprint remaining flood-free. (IR70)

14. The Inspector notes, however, that in order to be compliant with TAN 15, the entirety of a site for HVD must remain flood-free. The Inspector considers that, even with the proposed mitigation, the development would be contrary to the Welsh Government's fundamental policy position on flood risk, which is to avoid locating HVD in areas at high risk of flooding the C2 flood plain (or Zone 3 in the FMP). The Inspector considers the whole application site, rather than part of it, should be considered in relation to flood risk. The Inspector considers the development would be unacceptable on flood risk grounds (IR71-72).

Other material considerations

15. The Inspector has regard for other material considerations in relation to the application. As this is an outline application the Inspector is satisfied a reserved matters application would assess issues relating to layout, design and landscaping, and the loss of hedgerow associated with access arrangements could be controlled by condition, were the Welsh Ministers minded to grant consent. The Inspector also considers ecological enhancement and issues relating to protected species, such as otters and bats, could also be effectively managed via conditions, including the submission of a scheme of works to be approved by the LPA prior to works commencing. The Inspector also notes the need for a separate consent to manage surface water drainage. (IR73-75).

Overall Conclusions

16. The Inspector notes much of the arguments advanced in favour of the development relate to the need for affordable housing. Whilst the Inspector attaches weight to this issue, the Inspector concludes this does not overcome the need to apply sustainability principles to the decision, nor does it override national policy in relation to flood risk. The Inspector concludes the identified harm and policy conflict is not outweighed by the matters advanced in favour of the development, and do not present compelling reasons why planning permission should be granted. (IR76-77)
17. In reaching their recommendation, the Inspector has 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 ("WFG Act"). The Inspector has taken into account the ways of working set out at section 5 of the WFG Act and considers that the recommendation 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 WFG Act. (IR 78)
18. The Inspector recommends the application for planning permission is refused. (IR 81)

Formal Decision

19. I agree with the Inspector's reasoning and conclusions. For the reasons set out in the Inspector's report, and in exercise of the power referred to in paragraph 2 of this decision letter, I hereby refuse planning permission for planning application A210615.
20. In reaching this decision I note the Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'. My assessment against each of the ways of working is set out below:

Looking to the long-term

21. The decision takes account of the need to create sustainable developments for the long-term.

Taking an integrated approach

22. I have considered the impacts from the development proposal on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Make our cities, towns and villages even better places in which to live and work – positive effect.

Involving people/Collaborating with others

23. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

24. The decision would prevent development being undertaken which would undermine the placemaking principles in Planning Policy Wales.

Integration

25. The decision has been made taking into account economic, social and cultural well-being which has led to the developer not being considered sustainable.
26. I consider my decision accords with the sustainable development principle set out in the WFG Act. Therefore, I consider the decision is a reasonable step towards meeting the Welsh Government's well-being objectives.
27. A copy of this letter has been sent to Ceredigion County Council.

Your sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Report

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Report date: 08/02/2023

TOWN AND COUNTRY PLANNING ACT 1990

Section 77

APPLICATION BY: MR ELFYN JONES

LOCAL PLANNING AUTHORITY: CEREDIGION COUNTY COUNCIL

FOR: PROPOSED BUILDING PLOT FOR ONE DWELLING ALONG WITH A NEW ACCESS
TO THE HIGHWAY.

At: PLOT ADJACENT DOLAU GWYN, DOLE, BOW STREET, ABERYSTWYTH, SY24 5AE

Ref: CAS-01875-G8V1T5

Ref: CAS-01875-G8V1T5

Site address: Plot adjacent Dolau Gwyn, Dole, Bow Street, Aberystwyth, SY24 5AE

- The application was called in for decision by the Minister for Climate Change, one of the Welsh Ministers, in a letter issued under section 77 of the Town and Country Planning Act 1990, on 5 April 2022.
- The application is made by Mr Elfyn Jones to Ceredigion County Council.
- The application Ref: A210615 is dated 21 June 2021.
- The development proposed is building plot for one dwelling along with a new access to the highway.

Summary of Recommendation: That the application be refused.

Background and Preliminary Matters

1. Planning application Ref: A210615 seeks outline planning permission for a single dwelling with a new access to the highway on a parcel of land known as the plot adjacent to Dolau Gwyn in Dole, Bow Street, Aberystwyth.
2. The application was first reported to Ceredigion County Council's (hereinafter referred as the Council) '*Development Management Committee*' on 24 November 2021. The Council's professional officers recommended that the application be refused, with the '*Officer's Report*' outlining the following reasons for refusal:
 - *The application site lies in the open countryside, outside of an established settlement, where there is a general presumption against new residential development unless it constitutes a specific exception prescribed by planning policy. The proposal does not fall within any such exception. The location is considered to be unsustainable for new residential development and the proposal is therefore considered to be contrary to the provisions of Planning Policy Wales Edition 10, Technical Advice Note 6 and Policies S01 and S04 of the Ceredigion Local Development Plan.*
 - *The provision of a large two storey dwelling in an open countryside location would detrimentally impact the rural character of the area. It is the opinion therefore that the application is contrary to policies DM06, DM10 and DM17 of the Ceredigion Local Development Plan.*
 - *The planning application proposes highly vulnerable development as a residential dwelling, which is in Zone C2 of the 'Development Advice Map' contained in Technical Advice Note 15 Development and Flood Risk (TAN15) paragraph 6.2 of TAN15 advises 'highly vulnerable development and emergency services should not be permitted' within Zone C2. A planning decision to permit development would therefore be contrary to planning policy advice.*
3. At the '*Development Management Committee*', members resolved to defer determination of the application for one month to allow further time or a '*cooling off*' period to consider all the facts on the application. Members also requested that the applicant give consideration as to whether he would be agreeable to entering into an agreement under Section 106 of the Act to designate the proposed dwelling as an affordable dwelling should members be minded to support the application. Specifically, it was requested that the applicant confirms qualification to occupy the house should it be designated as

affordable for the purposes of the Section 106 agreement and the Council's adopted Supplementary Planning Guidance (SPG) document entitled '*Affordable Homes*' (2014).

4. The application was considered again at the '*Development Management Committee*' on 9 February 2022. It was confirmed that the applicant met the qualifying criteria to occupy an affordable dwelling and was agreeable to entering a Section 106 agreement to ensure that the dwelling would be retained as an affordable dwelling in perpetuity. Members resolved to further defer the determination of the application to facilitate:
 - the submission of an executed section 106 agreement;
 - a consultation exercise with Natural Resources Wales (NRW) in respect of the submitted Flood Consequence Assessment (FCA); and
 - a reduction in the size of the proposed dwelling to ensure compliance with its affordable housing standards.
5. It was also clarified at the '*Development Management Committee*' of 9 February 2022 that the '*Corporate Lead Officer*' for '*Economy and Regeneration*' at the Council had delegated authority to approve the application subject to compliance with the above conditions or, conversely, to refuse permission if the conditions could not be satisfied.
6. The Council subsequently concluded that the consequences of a flooding event would be acceptable, should the recommendations of the submitted FCA be conditioned as part of the approved plans and documents. Whilst acknowledging that scale is a reserved matter, it also noted that the scale parameters submitted as part of the application would allow for the construction of an overly large dwelling. However, it felt that permission could be granted, subject to a planning condition being imposed to restrict the internal floorspace of both the proposed dwelling and detached.
7. The Welsh Government (WG) subsequently directed that the application be called in for a decision by the '*Minister for Climate Change*', under Section 77 of the above Act. The full reasons for that direction are set out in WG's letter dated 5 April 2022. That letter also identified the main issues in relation to the call-in request. These are as follows:
 - *The application site lies entirely within a C2 Flood Zone;*
 - *The application site lies within the definition of 'other locations' as identified in the adopted Ceredigion Local Development Plan (LDP) where development is strictly controlled; and*
 - *The site is not a sustainable location.*
8. Subsequent to the call-in request, PEDW sought comments from NRW in respect of the issue of flood risk. Whilst numerous invitations were not responded to, a written response was eventually received on 10 January 2023. In the interest of fairness, that representation was exchanged with the applicant and a written response was received via email dated 12 January 2023. A schedule of suggested planning conditions was also sought from the LPA. The schedule of suggested conditions was received on 13 January 2023 and the applicant's rebuttal was received via an email dated 23 January 2023.

The Site and Surroundings

9. The application site currently comprises undeveloped agricultural land located some distance from the eastern-most residential property in the built-up area of Dole, which is located to the north of Bow Street, near Aberystwyth. The site fronts onto a county road and slopes broadly from east to west. The site is relatively well-screened from the public highway by a mature hedgerow and is bordered to the north by the Afon Ceiro.

The Proposal

10. The application represents a resubmission of a previous application and seeks outline planning permission, with all matters reserved for subsequent determination, for the erection of a single dwelling with associated access. Whilst the '*Officer's Report*' refers to the dwelling as a proposed '*open market dwelling*', the wider evidence including a planning obligation submitted under Section 106 of the above Act confirms that the resulting dwelling would be an '*affordable discount for sale dwelling*' under the affordable housing provisions of national policy. This differentiates the current proposal from previous applications that sought planning permission for an open market dwelling.
11. The submitted plans indicate that the proposed dwelling would have a maximum height (to ridge) of some 8.5 metres, a maximum width of some 12 metres and a maximum length of some 18 metres. Whilst indicative at this stage, the plans also illustrate the provision of a double garage. The existing mature hedgerow fronting the application site would be translocated behind the required visibility splay.

National and Local Planning Policy

National Policy

12. Future Wales: *The National Plan 2040* (2021) (hereinafter referred as Future Wales) sets out a national development framework that sets the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.
13. Future Wales places a strong emphasis on the climate emergency and sets a direction for where Wales should be investing in infrastructure and development. It is generally consistent with the overarching principles of the Well-being of Future Generations (Wales) Act 2015 (WCFG Act) and seeks to influence the way new development is planned. Specifically, it demands that development and the use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. It provides support for sustainable development and puts placemaking at the heart of the planning system. It seeks to direct growth towards urban areas, whilst supporting sustainable rural communities and proportionate growth in rural towns and villages. It also seeks to ensure that the delivery of affordable housing is increased in areas where it is needed. Further advice in respect of proposals for affordable housing is set out in Technical Advice Note (TAN) 2: '*Planning and Affordable Housing*' (2006)(TAN2)
14. The Planning (Wales) Act 2015 and the WCFG Act enact the sustainable development principle and require planning decisions to comply with seven wellbeing goals. Consistent with such principles, Planning Policy Wales (Edition 11, 2021) (PPW) seeks to ensure that the planning system operates to deliver sustainable development and improves the social, economic, environmental and cultural well-being of Wales. It creates a presumption in favour of sustainable development that ensures social, economic, cultural and environmental issues are balanced by the decision-taker in making decisions on individual planning applications and emphasises the importance of placemaking. It sets out five key principles in delivering sustainable places. These are: Growing the economy in a sustainable manner; making best use of resources; facilitating accessible and healthy environments; creating and sustaining communities; and, maximising environmental protection and limiting environmental impact.
15. PPW sets out a framework for strategic placemaking, with the aim to make the best possible use of suitable previously developed land in preference to greenfield sites.

Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled.

16. PPW promotes distinctive and natural placemaking and well-being, with green infrastructure playing a fundamental role in shaping places and our sense of well-being. The planning system should protect and enhance green infrastructure assets and networks because of their multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, alongside the need to meet society's wider social and economic objectives and the needs of local communities. Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species locally or nationally and must provide a net benefit for biodiversity. In doing so Local Planning Authorities (LPAs) must also take account of, and promote, the resilience of ecosystems.
17. PPW also sets out WG's position in respect of development and flood risk. Specifically, that document advises that "*Local Planning Authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding*" [paragraph 6.6.22] and that "*development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself*" [paragraph 6.6.25]. TAN15: *Development and Flood Risk* (2004) (TAN15) remains extant and provides further technical advice, specifically classifying land into Zones A, B and C. Zone C is split into category C1, which constitutes areas of the floodplain which are served by significant infrastructure including flood defences, and C2 which comprise areas of the floodplain without significant flood defence infrastructure.
18. TAN15 acknowledges that some flexibility is necessary to enable the risks of flooding to be addressed, whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas and the benefits of reusing previously developed land. However, consistent with the thrust of PPW, TAN15 states that new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding will be less of an issue. In Zone C the tests outlined in sections 6 and 7 will be applied, recognising however that highly vulnerable development and Emergency Services in Zone C2 should not be permitted. All other new development should only be permitted within Zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that:
 - i. Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii. Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;AND
 - iii. It concurs with the aims of PPW and meets the definition of previously developed land; and

- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of stipulated criteria, found to be acceptable.
19. Appendix 1 of TAN15 should be used in circumstances where the consequences of a flooding event are a material consideration. Specifically, that section of the TAN outlines the acceptability of flooding consequences for planning applications supported by an FCA.
20. It is material to note that WG published a draft version of a revised TAN15 (hereinafter referred as 'draft TAN15') between October 2019 and January 2020. It has also recently published a further consultation on amendments to that document. However, until a final version is published, PPW and TAN15 (2004) remain the principal national planning policy documents in respect of flood risk. It has however been clarified by both WG and NRW that the '*Development Advice Map*' supporting the extant TAN15 are out of date and that the more recent '*Flood Map for Planning*' constitutes the best available spatial information in respect of flood risk and that it may represent a material consideration in planning decisions [WG Letter, dated 15 December 2021, Ref: MA-JJ-3967-21].
21. As set out above, TAN2 supplements national policy in respect of affordable housing schemes. TAN6: *Planning for Sustainable Rural Communities* (2010) is also material to the determination of the application, outlining WG advice in respect of planning for sustainable rural communities.

Local Policy

22. The development plan for the area is the adopted Ceredigion Local Development Plan 2007- 2022 (Adopted 2013) (hereinafter referred as the LDP). The Council has identified a number of its policies as material to the determination of the planning application. These are as follows:
 - S01: *Sustainable Growth*;
 - S04: *Development in Linked Settlements and Other Locations*;
 - S05: *Affordable Housing*;
 - DM06: *High Quality Design and Placemaking*;
 - DM10: *Design and Landscaping*;
 - DM11: *Designing for Climate Change*;
 - DM13: *Sustainable Drainage Systems*;
 - DM14: *Nature Conservation and Ecological Connectivity*;
 - DM15: *Local Biodiversity Conservation*;
 - DM17: *General Landscape*;
 - DM20: *Protection of Trees, Hedgerows and Woodlands*; and
 - DM22: *General Environmental Protection and Enhancement*.
23. The Council's SPG document entitled '*Affordable Homes*' (2014) is also of relevance to the application. Amongst other things, that SPG document specifies minimum and maximum net floor areas for affordable homes. The absolute maximum standard is 137 square metres (sqm).

Planning History

24. The evidence suggests that an application for a similar proposal was submitted to and refused by the Council, under LPA Ref: A200114, in 2020. In that case, the application was reported to the '*Development Control Committee*' with a recommendation to refuse on grounds of being unsustainable development in an open countryside location and also for comprising highly vulnerable development in a C2 flood zone. Members were however satisfied that the principle of development was acceptable and resolved to defer the determination of the application pending agreement for the scheme to be amended to comprise an affordable dwelling and for NRW to consider the consequences of a flooding event. The applicant subsequently confirmed his/ her inability to meet the Council's affordable housing criteria and the application was refused in November 2020.

The Case for the Applicant

25. The case for the applicant is set out through a number of '*Application Submission Documents*', with the principal arguments in favour of the development summarised in the '*Full Statement of Case*', dated June 2022. Final comments on the representations made in respect of the application are also set out in a letter dated 18 October 2022. The key matters raised can be summarised as follows.

Principle of Development/ Site Location

26. The applicant accepts that the site is located within an '*Other Location*' for the purposes of Policy S04 of the adopted LDP. However, it is noted that, amongst other things, Policy S04 states that all '*Other Locations*' are inappropriate for housing development unless justified on the basis that it meets a demonstrated: i) *unmet affordable housing need in the locality and accords with Policy S05*. The application is supported by a Section 106 agreement that would ensure that the resulting dwelling would be affordable for the purposes of planning policy and would be retained as such in perpetuity.
27. The applicant contends that PPW and TAN6 recognise that to meet the need for affordable housing in smaller rural communities, LPAs should adopt a flexible approach to delivery. The applicant contends that the Council's financial qualifications are satisfied, namely a (combined) ability to borrow not more than the amount required to purchase the property at its discounted price plus 10% of that price. In respect of plots for self-build the '*discounted price*' will be based on an off-plan estimate of the value of the unit. The applicant also meets the residency qualification in that he has a local connection having lived in Ceredigion or an adjoining town/ community council area (or a combination of the two) for a continuous period of 5 years. The applicant and his partner meet the definition of key workers and the proposed affordable dwelling would meet a demonstrated local need in a small rural community. It would also be built by, and for, the intended occupier and would be retained as a discounted sale affordable unit in perpetuity.
28. In relation to criterion 2b) and c) of Policy S04, it is noted that the Council has a significant issue in relation to the under delivery of affordable housing across Ceredigion. Policy S05 of the LDP identifies that 1,100 affordable homes are required across Ceredigion by the end of the plan period to 2022. The latest published evidence on the delivery of affordable housing shows that the Council had completed 494 affordable homes between 1 April 2007 and 31 March 2019. This equates to a total delivery rate of 41.16 affordable dwellings per annum against a required trajectory of 70 dwellings per annum. Therefore, up to the latest evidence position, the completed affordable dwellings was 346 units below the affordable housing trajectory up to 31st March 2019. This means that only 58.8% of the required affordable housing had been provided with less than three years of the plan period remaining at the last point of assessment.

29. In terms of its physical location, Policy S04 requires that housing development should be located immediately adjacent to existing groups of dwellings in line with the provisions of national policy. The intention of TAN2 is that rural exception sites are solely for affordable housing on land within or adjoining existing rural settlements which would not otherwise be released for market housing. This is consistent with the advice contained in PPW which states that development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation.
30. The application site is located to the east of the small linear settlement of Dole. The easternmost house is Dolau-Gwyn. The western boundary of the application site is around 40m from Dolau-Gwyn. Policy S04 confirms that affordable housing is acceptable in 'other locations'. It is therefore submitted that the wording of the LDP is permissive of affordable housing developments, even in areas which are likely to be reliant on private car. The applicant contends that, given the rural nature of Ceredigion, rural settlements will never be self-contained and will always look to the larger 'Rural and Urban Service Centres' for facilities and services.
31. The site is said to be an 18 minute walk (1.2km) from the outskirts of Rhydypennau. The first part of that walk would be through the settlement of Dole on a quiet country lane, but it is accepted that, to reach Rhydypennau and Bow Street, a pedestrian would have to walk on the grass verge alongside the A487 which is in part national speed limit. There is, however, a sheltered bus stop at the corner of Dole and the A487. The applicant asserts that this provides access to at least hourly bus services between Machynlleth and Aberystwyth (X28) and less frequent services (at least every other hour) between Bangor and Aberystwyth (T2). Both of these services provide easy access to the shops and services of Bow Street, with a travel time of less than five minutes to Bow Street Station.
32. In addition to such matters the applicant notes that, in November 2021, the WG confirmed its agreement to create a shared-use path for cyclists and pedestrians along the A487 between Dole and Rhydypennau. Construction is said to commence shortly. It is therefore submitted that the occupiers would not be solely reliant on a private car as a means of transport, as stated in WG's call-in letter. Consequently, it is alleged that there would be no conflict with LDP Policy S01, which aims to focus growth to deliver stronger, more sustainable communities, or with LDP DM03 because the application proposal provides an opportunity for sustainable modes of transport to be used.

Development and Flood Risk

33. The site is separated from Dolau-Gwyn by a broadly triangular shaped field that is largely located within Flood Zone C2 of the 'Development Advice Map' and Zone 3 of the more recent 'Flood Map for Planning'. The applicant states that the application site is the closest plot of land to the built form which is not affected by Flood Zone 3. It is therefore submitted that it is the sequentially most preferable plot of land adjoining the built form where the identified affordable housing need of the applicant could be met.
34. The 'Development Advice Map' identifies the majority of the application site as located in Flood Zone C2, without significant flood defence infrastructure. The general approach of PPW, supported by TAN15, is to advise caution in respect of new development in areas at high risk of flooding by setting out a precautionary framework to guide planning decisions.
35. The applicant accepts that the development proposed constitutes highly vulnerable development. It is also accepted that highly vulnerable development is not considered acceptable in Flood Zone C2. However, the applicant notes that a draft TAN15, accompanied by the 'Flood Map for Planning', has been published and that the advice

from WG is that it may be appropriate to take the best and more recent information into account as a material consideration.

36. The applicant states that the '*Flood Map for Planning*' shows the application site as falling broadly within Flood Zone 1 (less than 1 in 100/ 0.1%, plus climate change chance of flooding in a given year), where all types of development are acceptable in principle. Notwithstanding this, an FCA which included detailed modelling to assess the site-specific flood risk of the application site was submitted with the planning application. In summary the FCA shows that:
- During the 1% Annual Exceedance Probability (AEP) plus climate change design event, an area to the north of the site will experience shallow flooding. The location of the proposed dwelling as indicatively shown on drawing ref. 456/01B is outside this area; and
 - During more extreme flood events and scenarios, such as the 0.1% AEP flood event and the downstream culvert blockage (so, the worst case scenario), a small area to the north and west of the site would experience very shallow flooding. Again, the proposed dwelling could be located out of these flood extents.
37. The maximum depth of water in the adjacent overland flow path in all modelled scenarios would be 0.05m. The FCA therefore recommends that finished floor levels (FFLs) should be set 0.35m over adjacent ground (0.3m above typical flood depth) to mitigate any residual risk of an overland flow passing through the site. It is submitted that this could be controlled by an appropriately worded planning condition. It is further noted that, in a flood event, safe access would be available by leaving the site from the east to Dole.
38. The FCA identifies that the maximum depth of water in the shallow flow paths (confined to the northern part of the site) in all modelled scenarios, including the 1% AEP plus climate change, is only 500mm. This is 100m (or around 16.6%) lower than the indicative guidance for the maximum depth of flooding considered 'tolerable' for a residential property or its access, as set out at paragraph A1.15 of TAN15. Whilst it is accepted that the northern part of the site would be reasonably close to these tolerable values, it is submitted that there is no actual conflict with TAN15 in this respect.
39. The advice at paragraph A1.14 of TAN15 is that development should be designed to be flood free during the 1% fluvial flood. The applicant contends that such advice is not that the entire site should be flood free. As the indicative '*Site Plan*' illustrates, the proposed dwelling, including its drive and access, could more than comfortably be accommodated on the southern part of the site. As the shallow flooding would only affect the northern part of the garden, the applicant contends that there would be no conflict with A1.14 of TAN15 which is to prevent the traumatic impact of flooding on people's personal lives.
40. It is therefore submitted that there would be no conflict with LDP Policy DM11. Whilst the applicant acknowledges that there would be a technical conflict with TAN15 because a highly vulnerable development is proposed in a C2 Flood Zone, the best and more recent information in the form of both the FCA and the '*Flood Map for Planning*' is a material consideration that merits significant weight.

Scale of Dwelling

41. The Council's adopted SPG document entitled '*Affordable Homes*' (2014) applies a minimum internal floorspace specification for affordable homes taken from the Welsh Government's Development Quality Requirements (WDQR, 2021), and a maximum of a 20% increase on the minimum specifications in overall internal floorspace.
42. The planning application was submitted in outline with all matters, including scale and layout, reserved for subsequent determination. The applicant states that any concerns

regarding the scale of the dwelling could be adequately dealt with through the consideration of the reserved matters, with the rebuttal to the Council's suggested planning conditions confirming the applicant's view that a condition would fail to meet the policy tests for planning conditions.

The Case for the LPA

43. The officer's assessment of the proposal and recommended reason for refusal is set out in the '*Officer's Report*' to the meeting of the '*Development Control Committee*'.
44. Notwithstanding this, the Council submitted a '*Statement of Case*' following receipt of the call-in request under Section 77 of the Act. That '*Statement of Case*', however, merely sets out the factual history of the case.
45. The '*Statement of Case*' confirms that the application was deferred by the '*Development Control Committee*' to:
 - enable the applicant to enter into a Section 106 agreement to ensure that the proposed dwelling would be affordable in perpetuity;
 - obtain a satisfactory response from NRW in respect of the submitted FCA; and
 - seek agreement on a reduction of the size of the dwelling to ensure that it would be commensurate with an affordable dwelling.
46. The Council considers that the executed legal agreement submitted under Section 106 of the Act would adequately ensure that the dwelling would be affordable in perpetuity. It also notes that, whilst NRW has concerns with the application as submitted, it is satisfied that the concerns can be overcome if the recommendations of the FCA are conditioned as part of any planning permission. Similarly, the Council contends that, despite scale being a reserved matter, the overall size of the proposed dwelling could be controlled through a planning condition. In this respect, it is submitted that the dwelling should be limited to some 142sqm and the detached garage to 25sqm.

Written Representations

Representations submitted to the LPA

47. Dwr Cymru Welsh Water and both the Highways and Drainage Authority offered no objection to the proposal, subject to planning conditions being imposed.
48. NRW, in its representation dated 13 July 2021, stated that it had concerns with the application as submitted because inadequate information had been provided in support of the proposal. To overcome these concerns, it advised that the Council should seek further information from the applicant regarding flood risk. Moreover, it required the LPA to provide overriding reasons to consider granting the application despite its location within Zone C2. If planning permission was to be granted despite its location in the C2 Flood Zone, NRW advised that the consequences of a flooding event are robustly assessed. Ecological matters could be addressed through the use of planning conditions.
49. Subsequent to the Members' decision to defer the decision on the application, NRW were reconsulted on the submitted FCA. NRW's representation dated 4 March 2022 stated that it has concerns with the application as submitted. However, it stated that it is satisfied that these concerns could be overcome if the following is included in the approved plans and documents condition on the Notice of Decision:
 - Land raising in accordance with the Flood Consequences Assessment (FCA) by Rab Consultants Ltd entitled "Bow Street, Dole (Site 2 – East) FLOOD

50. Without the inclusion of this document on any consent, NRW advised that it would object to planning permission being granted.
51. Objections were received from 'Campaign to Protect Rural Wales' and an interested party. Those representations respectively state that the development would have a detrimental impact upon the rural character of the area and that the development would be unacceptable due to its risk of flooding.
52. Six representations in support of the proposal were also received. These refute the flood risk concerns raised elsewhere in the evidence. They also corroborate the evidence that suggests that the applicant is local to Dole and note that the proposed access arrangements would be welcomed as a passing place on an otherwise constrained section of carriageway.

Representations submitted to Planning and Environment Decisions Wales (PEDW)

53. In addition to the written representations submitted to the Council, a number of written representations were submitted to Planning and Environment Decisions Wales (PEDW).
54. NRW has advised that the application proposes highly vulnerable development in the form of a residential dwelling. It also confirmed that the site lies within Zone C2 of the 'Development Advice Map' contained in TAN15 and that the 'Flood Map for Planning' identifies part of the application site to be at risk of flooding, falling into Flood Zone 2/ 3 for Rivers.
55. With regards the FCA, NRW notes that the risks and consequences could be managed to an acceptable level, provided a planning condition regarding finished floor levels is attached to any permission granted. The FCA indicates that, during the 1% Annual Probability of Flooding (APF) scenario with climate change, the site would experience shallow flooding to the north of the site, but the building would remain flood free. To comply with A1.14 of TAN15, the entire site should be flood free. The flood depths are likely to be close to the values within A1.15 of TAN15 but are not shown to exceed the values in the 0.1% APF scenario. From reviewing the FCA, while the flood depths to the site are shallow, the building is shown to be flood free. As part of mitigation, the building should be raised by 0.35m above the adjacent ground level.
56. NRW also advised that ecological matters could be addressed through planning conditions that would ensure that a light spillage and Otter 'Reasonable Avoidance Measures' are implemented.
57. There were also a number of interested party representations objecting to the scheme. These cited concerns over the fact that the scheme proposes development in the countryside and would be contrary to national policy in respect of flood risk. Concerns have also been raised in respect of a misuse of the provisions of the affordable housing policy set out at a national level.

Planning Obligations and Conditions

58. As set out above, the application is supported by a planning obligation submitted under the provisions of Section 106 of the above Act. Amongst other things, the obligation sets out that the landowner covenants with the Council to provide affordable housing on the land and that it would remain as such in perpetuity. The legal agreement meets the necessary legislative and policy tests for planning obligations. It therefore merits weight in the determination of the application.

59. As set out above, a schedule of suggested planning conditions has been submitted by the Council. I have considered the suggested conditions in the event that the Welsh Ministers decide to approve the application and have assessed them against the advice set out in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014). Planning conditions have only been recommended where the relevant policy tests have been satisfied and may have been amended in the interest of clarity and precision.

Planning Appraisal

60. Based on the foregoing, I consider the main issues in the determination of the planning application to be:

- Whether the development would be acceptable in principle, having particular regard to the planning policy framework; and
- Whether the development would be acceptable in terms of flood risk.

Principle of Development

61. The application site is located away from the settlement boundaries defined by the adopted Ceredigion LDP and is therefore situated in the '*Other Locations*' category for the purposes of development plan policy. Consistent with national planning policy, development in such locations should be strictly controlled, although there are some exceptions particularly for, amongst other things, affordable housing schemes.
62. Policy S04 of the adopted LDP states that general housing provision will only be permitted in '*Linked Settlements*' and that all '*Other Locations*' are inappropriate for housing development unless justified on the basis that, amongst other things, it meets a demonstrated unmet affordable housing need in the locality and otherwise accords with Policy S05. Policy S05 goes on to seek to facilitate the delivery of affordable housing, specifically permitting 100% affordable housing sites where justified by evidence of unmet affordable local need. This includes those '*Other Locations*', although the reasoned justification of that policy does go on to clarify that such '*rural exception sites*' would be required to be within or adjoining existing rural settlements which would not otherwise be released for market housing.
63. As set out above, the application includes an executed planning obligation that would ensure that the resulting dwelling would comprise affordable housing and that it would remain as such in perpetuity. I have not seen any cogent evidence to lead me to take issue with this position. Indeed, despite some concerns regarding the potential size of the property, the Council is a signatory of the submitted Section 106 agreement which meets the relevant statutory and policy tests for planning obligations.
64. Nevertheless, whilst the applicant argues that the proposal would be policy compliant, I am not persuaded that the development would be compliant with the thrust of local or national policy in respect of affordable housing developments. Indeed, the reasoned justification to Policy S05 clarifies that such exception sites should be located within or adjoining existing rural settlements and, despite a dispute over the exact distance from the nearest residential property, it is in fact clear that the application site is not within, and neither does it adjoin, an established settlement for planning purposes. It would therefore conflict with both the LDP strategy and would thereby represent an unjustified incursion into the countryside with inevitable harms to the rural character of the area.
65. It is clearly material to note that national policy encourages the delivery of affordable housing. It is also relevant to note that PPW allows for some infilling or minor extensions where it meets a local need for affordable housing. However, broadly consistent with the arguments set out above, PPW states that new building in the open countryside away from existing settlements, or areas allocated for development in development plans, must continue to be strictly controlled. As I have already outlined that the application site is located away from the settlements identified within the adopted LDP, it follows that development in such a location should be strictly controlled.
66. The applicant points to a rural bus service and I have no reason to dispute the evidence submitted in this respect. I also note the applicant's suggestion that the construction of a

shared-use path for cyclists and pedestrians along the A487 between Dole and Rhydypennau is to commence shortly. However, I am not aware of the full details of the proposed shared-use path and, in any event, it is clear that Dole is relatively isolated in terms of pedestrian access in the short term. Notwithstanding this, I have not seen any cogent evidence to persuade me that the modes of sustainable transport on offer would in this instance be sufficient to realistically attract the occupiers of the proposed dwelling away from the use of a private car for access to day to day facilities and services.

67. For these reasons, I find that the proposed development would comprise an unsustainable form of development that would represent an unjustified and unacceptable incursion into the rural countryside. The development would therefore conflict with the overall strategy promoted through the adopted LDP and, in particular, the collective aims of Policies, S01, S04, S05, DM06 and DM17. For the same reasons, it would also conflict with the sustainability and placemaking principles that represent a prominent feature of national planning policy and would therefore be unacceptable in principle.

Development and Flood Risk

68. As set out above, WG recently republished a '*draft TAN15*'. However, PPW (Edition 11, 2021) and TAN15 (2004) remain extant and are therefore the principal national planning policy documents in respect of flood risk. Nevertheless, it has been acknowledged by both WG and NRW that the '*Development Advice Map*' supporting the extant TAN15 are out of date. It has also been confirmed that the more recent '*Flood Map for Planning*' constitutes the best available spatial information in respect of flood risk and that it may represent a material consideration in planning decisions [WG Letter, dated 15 December 2021, Ref: MA-JJ-3967-21]. I shall consider the issue of flood risk accordingly.
69. The development clearly constitutes highly vulnerable development for the purposes of planning policy and NRW has confirmed that the application site lies within Zone C2 of the out-dated '*Development Advice Map*' associated with TAN15. It has also confirmed, however, that part of the site is at risk of flooding using the best and most up to date spatial information. In particular, the more recent '*Flood Map for Planning*' designates the site as partly within Zone 2 and 3 for Rivers. Zone 2 represents a medium risk and Zone 3 represents a high risk, defined as having more than a 1% (1 in 100) chance of flooding from rivers in a given year, including the effects of climate change.
70. The applicant has submitted an FCA that confirms that the risks and consequences could be managed to an acceptable level, provided a planning condition regarding finished floor levels is attached to any permission granted. The FCA indicates that, during the 1% Annual Probability of Flooding (APF) scenario with climate change, the site would experience shallow flooding to the north of the site, but the footprint of the building would remain flood free. Whilst access remains a reserved matter, the evidence also suggests that this would be away from the areas at risk of flooding.
71. Nevertheless NRW has confirmed that, to comply with A1.14 of TAN15, the entire site should be flood free and, notwithstanding this, I am of the view that, even with the mitigation proposed, the development would conflict with the fundamental principle of WG's policy position in respect of flood risk which is to avoid locating highly vulnerable development in areas of such high risk. It is material to note that, despite layout comprising a reserved matter, the '*Site and Location Plan*' indicates that the proposed dwelling would be located outside of the area identified as at high risk of flooding. However, it is my view that the application site as a whole needs to be assessed against national policy, not just the footprint of the proposed dwelling. Indeed, the residential curtilage in this instance would clearly extend into areas of high and medium risk (Zone 3 and Zone 2 respectively) and the residential use of this land could clearly have implications for the consequences of a flooding event both on and off site. Whilst it may

be possible to mitigate or manage some of the potential implications, such an approach would clearly run counter to the general thrust of national policy which is to ensure that highly vulnerable development is not permitted in such high risk areas, but rather directed to areas where flooding is less of an issue.

72. Therefore, whilst mitigation measures have been identified through the submitted FCA, they do not in my view justify the wider conflict with national policy which outlines a precautionary approach in respect of flood risk. The proposed development would therefore be unacceptable on flood risk grounds.

Other Material Considerations and Planning Conditions

73. A reserved matters application would be the most appropriate mechanism to assess matters of layout, detailed design and landscaping. This could satisfactorily deal with the overall impact upon the character and appearance of the area and the living conditions of the occupiers of neighbouring residential properties. Without prejudice to the determination of those reserved matters, I have not seen anything to suggest that access arrangements could not be satisfactorily addressed through a reserved matters application. Access arrangements would result in the loss of part of an existing hedgerow, although such matters could be controlled through the imposition of a suitably worded planning condition.
74. Ecological interests, including those relating to foraging otters and bats, could also be satisfactorily controlled through the use of planning conditions and ecological enhancements could be required through a scheme to be submitted to and approved in writing by the LPA. Subject to the imposition of planning conditions, I am therefore satisfied that there would not therefore be any conflict with the relevant policy or legislative framework in respect of ecological interests.
75. Matters relating to the management of surface water would be satisfactorily addressed through the requirements of separate legislation. There are also no objections from the statutory bodies in respect of foul drainage, with the '*Site and Location Plan*' indicating that new foul drains would connect to the existing foul mains system located on the main road. I have no reason to raise any concerns in respect of these matters.

Planning Balance and Overall Conclusion

76. Based on the foregoing analysis, I have found that the development would conflict with the sustainability and placemaking principles that underpin both local and national planning policy. It would therefore represent an unjustified incursion into the open countryside and would be unacceptable in principle. I have also found that the development would run counter to the overarching principles of WG's policy position in respect of flooding which seeks to avoid locating highly vulnerable development in areas of high risk. That in-principle policy conflict is not outweighed or justified by the findings of the submitted '*Flood Consequences Assessment*'.
77. Much of the arguments advanced in favour of the development relate to the need for affordable housing and, in particular, the need to meet affordable housing projections identified through the adopted LDP. However, whilst such arguments represent a weighty material consideration, I have not seen anything to lead me to conclude that such affordable housing need obviates the need to apply the sustainability principles that are fundamental to the planning system in Wales. Neither do I consider that it overrides national policy in respect of flood risk. The identified harm and associated policy conflict is not therefore outweighed by the matters advanced in favour of the development. Rather, on the balance of the available evidence, I conclude that the identified harm and

associated policy conflict represent compelling reasons why planning permission should be withheld in this instance.

78. 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 (WBFG Act). I have also taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Planning Conditions

79. A schedule of recommended planning conditions, with associated reasons, is attached at 'Appendix A' of this Report. Whilst I do not consider that the conditions satisfactorily mitigate the foregoing concerns, I have included them in the event that the Minister takes a different view on the planning merits of the case. They should therefore be imposed should the application be approved and planning permission be granted.

80. As set out above, the suggested planning conditions have been assessed against the advice set out in Circular 016/2014 and have only been recommended where the relevant policy tests have been satisfied. Some of the recommended conditions have also been amended in the interest of clarity and precision. Specifically, I have not seen any evidence to justify a deviation from the standard time commencement periods. I have therefore amended the Council's suggested condition Nos. 2 and 3 accordingly. I have not imposed the Council's suggested Condition No.6 as scale could be adequately controlled through a reserved matters application. I have also not recommended the Council's suggested Condition No.8 as surface water management would be covered by separate SuDs legislation and is therefore unnecessary.

Recommendation

81. For these reasons, and having considered all matters raised, I recommend that the application be refused.

Richard E. Jenkins

INSPECTOR

APPENDIX A: Schedule of Recommended Planning Conditions

1. Details of the appearance, access, landscaping, layout, and scale, (hereinafter referred as "*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.

REASON: *To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990, as amended.*

2. The development shall begin either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: *To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990, as amended.*

3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

REASON: *To ensure compliance with Section 92(2) of the Town and Country Planning Act 1990, as amended.*

4. The development shall be carried out in accordance with the following approved plans and documents: *Site and Location Plan No. 456/01B, January 2020; and Land raising in accordance with the Flood Consequences Assessment (FCA) by Rab Consultants Ltd entitled "Bow Street, Dole (Site 2 – East) FLOOD CONSEQUENCE ASSESSMENT" Reference Version 1.0 RAB: 2258L- East dated 23rd October 2019.*

REASON: *To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and in the interest of flood risk – Policy DM11.*

5. The proposed dwellings shall be designed in accordance with the upper and lower limits as stated in the indicative Site and Location Plan No. 456/01B and shall not exceed the upper limits: Length/Depth - 8m - 18m max; Width - 6m - 12m max; Max height from ground level to ridge – 8.5m max.

REASON: *To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.*

6. The dwellings hereby approved shall include the provision of '*gigabit capable*' broadband infrastructure.

REASON: *In order to provide access to gigabit capable broadband in accordance with Policy 13 of Future Wales 2040.*

7. No development or site clearance shall commence until an Otter Reasonable Avoidance Measures Scheme (RAMS) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: *To avoid adverse effects on a European protected species (otter) – Policy DM14, Policy DM15, PPW and TAN5.*

8. No development or site clearance shall commence until a translocation method statement for the roadside hedgerow has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include an estimate of the percentage species composition of the hedge and shall detail a method to ensure successful

translocation. The translocation shall be implemented as approved and maintained as such in perpetuity.

REASON: *To avoid adverse effects on protected species (breeding birds) – Policy DM20 and TAN5.*

9. No development shall commence until a Pollution Prevention Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Pollution Prevention Plan.

REASON: *To protect the water environment during construction - Policy DM15 and Policy DM22.*

10. No development shall commence until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement shall be provided as approved prior to the occupation of the dwelling and shall be retained as such in perpetuity.

REASON: *To enhance biodiversity - Policies DM06, DM14 and DM15, PPW, Future Wales and TAN5.*

11. Any exterior lighting shall be less than 3 metres from the ground, and fitted with hoods to direct the light below the horizontal plane, at an angle of less than seventy degrees from vertical, and shall not be fixed to, or directed at, bat boxes, gables or eaves. Lighting must be less than 3 lux at ground level and there shall be no light splay exceeding 1 lux along buildings, eaves, roofs or adjacent hedgerows or trees. Any lighting shall be Passive Infrared (PIR) triggered.

REASON: *To avoid adverse effects on European protected species (bats) - Policy DM14, DM15, PPW and TAN5.*