



Report

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Report date: 22/09/2025

TOWN AND COUNTRY PLANNING ACT 1990

Section 77

Application by: Mr S Ellis

Local Planning Authority: Conwy County Borough Council

For: Erection of 1 no detached and 2 no semi-detached dwellings with means of access

At: Land adjacent to 37 Cader Avenue, Kinmel Bay, Conwy, LL18 5HU

Ref: CAS-04056-N8H2L7

A site visit was made on 7 August 2025.

Summary of Recommendation: That the application be refused.

Preliminary and Procedural Matters

1. The application was called in for decision by the Welsh Ministers, under section 77 of the Town and Country Planning Act 1990 (as amended), on 4 February 2025. The reason given for calling the application in was that the proposed development raises issues regarding the interpretation of national planning policy.
2. On the information available at the time of making the direction, the following were the matters on which the Minister particularly wished to be informed for the purpose of their consideration of the application:
 - i) Whether the proposed development conflicts with national policies in flood risk areas; and
 - ii) Whether the proposed development conflicts with national policy on biodiversity enhancement.
3. Welsh Government (WG) published a new Technical Advice Note (TAN) 15 'Development, Flooding and Coastal Erosion (2025)' during the application process. In accordance with the content of the accompanying Ministerial Written Statement dated 31 March 2025, I have assessed this application on the basis of the previous version of TAN 15 due to it being submitted prior to publication of the new TAN.

The Site and Surroundings

4. The application site comprises a plot of vacant land positioned between dwellings facing onto Cader Avenue. The immediate area is residential in character, being mostly dwellings, with other uses including commercial and leisure and education in the wider area.

The Proposal

5. The proposed development is for the erection of a detached two-storey dwelling and 2 semi-detached two-storey dwellings, with access directly from Cader Avenue.

Planning Policy

6. The development plan for the area consists of Future Wales – The National Plan 2040 (FW) and the Conwy Local Development Plan 2007-2022 (LDP).
7. FW policies of particular relevance to this application are:
 - Policy 8 – Flooding, which recognises flood risk as a constraining factor to development and supports the need to provide new and improved flood risk management infrastructure.
 - Policy 9 – Resilient Ecological Networks and Green Infrastructure, which requires all development to maintain and enhance biodiversity such that a net benefit is provided.
 - Policy 21 – Regional Growth Area – North Wales Coastal Settlements, which supports sustainable growth and regeneration of coastal towns in recognition of the regional function of this corridor.
8. LDP policies of particular relevance are:
 - DP/1 – Sustainable Development Principles, which permits development where it is consistent with the principles of sustainable development. It requires, amongst other things, all development to accord with national guidance in line with policy DP/6; to

conserve or enhance the quality of biodiversity and wildlife habitats, and safeguard protected species in line with policy NTE/1; and to take account of and address the risk of flooding in line with policies DP/2 and DP/3.

- DP/2 – Overarching Strategic Approach, which directs most new development to within, and the fringes of, the identified urban areas.
- DP/3 – Promoting Design Quality and Reducing Crime, which, amongst other things, seeks to secure the retention and enhancement of features of biodiversity.
- DP/4 – Development Criteria, which resists proposals where there would be unacceptable adverse impacts on, amongst other things, ecological and wildlife interest; and flooding and flood risk.
- DP/6 – National Planning Policy and Guidance, which requires proposals to comply with national planning policy and guidance.
- NTE/1 – The Natural Environment, which seeks to regulate development to conserve, and where possible, enhance the Plan Area's natural environment.
- NTE/3 – Biodiversity, which states that new development should aim to conserve, and where possible, enhance biodiversity.

9. Other LDP policies of relevance are:

DP/5	Infrastructure and New Developments
DP/6	National Planning Policy and Guidance
HOU/1	Meeting the Housing Need
HOU/2	Affordable Housing for Local Need
CFS/1	Community Facilities and Services
CFS/11	Development and Open Space
NTE/6	Energy Efficiency and Renewable Technologies in New Development
NTE/8	Sustainable Drainage Systems
NTE/9	Foul Drainage
NTE/10	Water Conservation
STR/1	Sustainable Transport, Development and Accessibility
STR/2	Parking Standards
STR/3	Mitigating Travel Impact
STR/4	Non-motorised Travel

10. Relevant Supplementary Planning Guidance (SPG) documents adopted by the Council in support of LDP Policies include:

LDP01	Householder Design Guide
LDP02	Parking Standards
LDP04	Planning Obligations
LDP05	Biodiversity in Planning
LDP09	Design
LDP13	Affordable Housing
LDP27	Coastal Flood Risk Protocol
LDP34	Waste Storage and Collection in New Development

11. Planning Policy Wales 12 (PPW) sets out the land use planning policies of the Welsh Government, with the primary objective of ensuring that the planning system contributes towards the delivery of sustainable development, and improves the social, economic,

environmental, and cultural well-being of Wales. The provisions of PPW which are particularly relevant to this application are:

- Planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated and, as a last resort, compensated for (paragraph 6.4.11).
- Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or rivers (paragraph 6.6.22).
- 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).

12. In supporting PPW, TAN 15 'Development and Flood Risk' (2004) sets out a precautionary framework which directs development away from areas at high risk of flooding, and allows only those developments justified to be located in such areas.

13. Other TANs of relevance are:

TAN 2	Planning and Affordable Housing
TAN 5	Nature Conservation and Planning
TAN 12	Design
TAN 16	Sport, Recreation and Open Space
TAN 18	Transport
TAN 24	The Historic Environment

The Case for Mr S Ellis

14. The applicant's case is summarised as follows:

Flood Consequences Assessment

15. The Flood Consequences Assessment (FCA) shows that the site is unlikely to flood except in extreme conditions, and the development satisfies the justification tests and acceptability criteria in TAN 15. The primary risk to the site is from tidal flooding. Flooding in 1990 occurred because of an operational failure/breach of defences which were due to be repaired, with the flood extent being due to an exceptional joint tidal and fluvial event. Substantial improvements have since been made to defences.

16. The Development Advice Map (DAM) shows the site is within zone C1, and within Flood Zone 3 (Sea) of the Flood Map for Planning (FMfP), as a result of failure/breach of defences causing tidal inundation. The site is protected by flood defences providing a 1 in 200 year standard of protection and a breach is unlikely. The greatest risk would be from breach/overtopping scenarios.

17. Natural Resources Wales (NRW) modelling updates during 2023 show the site may be inundated during undefended events. The modelling update also shows there may be inundation to depths of less than 0.95m during a breach in flood defences.

18. The tidal flood risk is low and is considered to be of medium significance. The proposal will not impede the movement of floodwater and will ensure no detriment to flood storage capacity. There will be no change to on-site and off-site flood risk.

19. Measures to reduce flood risk are proposed, including:

- Raising finished floor levels of the dwelling and rear patio by a minimum of 0.95m above external ground levels, therefore avoiding inundation during the 1 in 200 year event in 2124, as per NRW requirements.
- The use of first floors as 'safe havens' above floodwater levels.
- Sleeping accommodation to be provided on the first floor of dwellings.
- Flood resilience and resistance construction techniques and materials.
- Registration with the NRW flood warning service, providing sufficient time to ensure safe access/egress.

Green Infrastructure Statement

20. The Green Infrastructure Statement (GIS) demonstrates how the step-wise approach has been applied. The site has no biodiversity merit or statutory designations, therefore will not cause damage to biodiversity, protected species and habitat, or connectivity. There are no trees or hedges within the site. The developed area will occupy 21% of the site.
21. Proposed landscaping may improve connectivity and additional shrub planting is proposed. The lack of harm means no off-site compensation is required.

Site Viability Assessment

22. The assessment sets out anticipated values, costs and profit for the proposed development, which demonstrates a financial loss if the contribution towards affordable housing is included. Even without this contribution, the scheme would fall short of what is considered a reasonable return on investment.

The Case for Conwy County Borough Council

23. The Council's case is summarised as follows:

Principle of development

24. The application site is located within the urban settlement limit of Kinmel Bay, where there is a presumption in favour of residential development on suitable sites.

Flood risk

25. The proposal represents highly vulnerable development within flood zone C1. However, and notwithstanding the response from NRW, the existing and programmed coastal flood defences in Kinmel Bay are sufficient to mitigate the flood risk of this proposal on previously developed land. There has been no known flooding within the locality and TAN 15 is only advisory.
26. There is a need for new housing development to sustain the settlement despite the flood risk and the potential consequences from flooding to life, property damage and implications for insurance are accepted.

Drainage

27. Provided ground conditions and soakaway design are sufficient to prevent any increase in runoff, the development is unlikely to increase the risk of flooding and complies with the drainage hierarchy. Welsh Water Dŵr Cymru has confirmed sufficient capacity exists to receive the domestic foul flows. Conditions are not considered necessary as this will be controlled under Building Regulations and the requirement for Sustainable Drainage Systems (SuDS) Approval Body (SAB) consent.

Planning obligations

28. The financial viability assessment provided with the application has been assessed and, even without planning obligations, the scheme would be marginally viable. As such, no contribution towards affordable housing is sought.

Visual impact

29. The size, scale and built form of the proposal would be in-keeping with existing development in the area and, subject to a condition requiring further details of material finishes, would not have a detrimental impact.

Residential amenity

30. Given the lack of windows facing adjacent dwellings, there would be no loss of light or increase in overlooking to neighbouring occupiers. Along with the separation distance to dwellings to the north of Cader Avenue, the proposal would not result in a significant detrimental impact on residential amenity.

Highway safety

31. Subject to the imposition of conditions restricting the height of boundary treatments, materials, timing of access provision, and the submission of a Construction Traffic Management Plan (CTMP) the proposal would not adversely affect highway safety.

Biodiversity and Green Infrastructure

32. A GIS is not required as the application pre-dates October 2023. The proposal does not include biodiversity enhancements, however, as there appears to be scope within the site or proposed buildings to provide enhancements, these could be secured through a condition in accordance with the requirements of national planning policy and guidance.

Housing delivery

33. The level of housing completions across the lifetime of the LDP represents an under-delivery of 2,587 dwellings against the housing requirement. Although time-expired, extrapolating the LDP requirement forward to the present-day results in a housing delivery shortfall of 43%. The need to support the delivery of housing in order to meet the needs of communities, as required by PPW, outweighs the flood risk consequences of development on the site.

Written Representations

34. The following is a summary of the responses received to the application:

NRW

35. NRW has concerns with the application due to inadequate information provided. If further information is not provided from the applicant, then NRW would object to the application.
36. The application is for highly vulnerable development (housing) within zone C1 of the DAM in TAN 15. The FMfP identifies the site to be at risk of flooding and within Flood Zone 2 (Rivers) and Flood Zone 3 (Sea). NRW records show the site flooded during the 1990 event.
37. Based on the latest version of the FCA dated August 2024, this fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.
38. The FCA states that flood depths of approximately 950mm would occur during the 0.5% AEP tidal event plus climate change breach event. NRW's latest modelling shows flood depths to be greater than those provided in the FCA especially when considering a

breach/overtopping scenario. The FCA therefore likely underestimates the flood risk to the site. The mitigation measures proposed would also need to be reconsidered against the latest and most up to date hydrological information.

39. Based on NRW data, during a breach scenario flood depths of up to 300mm could be experienced to the ground floors even with the proposed finished floor levels being 0.95m above existing ground levels.
40. The FCA also fails to appropriately consider the 0.1% AEP tidal event plus climate change. NRW also has significant concerns regarding the availability of a dry access and egress under all conditions.
41. Any revised FCA should demonstrate that the development will be flood free for the 0.5% AEP tidal event plus climate change, with consideration given to a breach/overtopping scenario. A revised FCA should also consider the 0.1% AEP event plus climate change, and a dry access and egress should be available under all conditions. The potential impacts of climate change must be considered for an appropriate lifetime of development. Up to date hydrological data should also be used.
42. The coastal defence improvement works proposed to be carried out by the Council will not provide protection for the 0.5% AEP coastal event for the year 2123. Defences are designed to protect existing developments and not to facilitate new development proposals.
43. It is recommended that the Council consult other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. NRW does not comment on the adequacy of flood emergency response plans as its involvement is limited to delivering flood warnings.

Towyn & Kinnel Bay Town Council

44. Fully support the application.

Dŵr Cymru Welsh Water

45. Capacity exists within the public sewerage network to receive domestic foul flows from the development. It is recommended that a drainage strategy be secured through a planning condition. Approval of SuDS features will be required from the SuDS Approval Body.

Highways Authority

46. Various stipulations are set out regarding details of the development, in relation to preventing obstructions within visibility splays, materials, access gradient, timing of works, drainage, refuse areas and clarification of an existing telegraph pole. A CTMP should be submitted prior to the commencement of works.

North Wales Councils Regional Emergency Planning Service

47. Generic observations are made regarding the role of the Service generally and during severe weather events. Property holders at risk of flooding should register for NRW flood warning messages and complete a community/personal flood plan.

Other parties

48. One objection was received from an interested party, regarding flood risk and loss of green space.

Main Issues

49. I consider the main issues to be whether the proposed development would be acceptable having regard to (i) the risk of flooding and (ii) biodiversity interests.

Appraisal

Flood risk

50. The application site falls entirely within flood zone C1 of the DAM supporting TAN 15, where highly vulnerable development (including residential uses) may take place subject to satisfying the justification test in paragraph 6.2 of TAN 15, which includes the acceptability of consequences. The site also falls within Flood Zone 3 (Sea) and Flood Zone 2 (Rivers) of NRW's more recent FMfP. Additionally, there are records of flooding having occurred at and around the site.
51. Given the site's location within the identified urban settlement limit of Kinmel Bay and the under-delivery of housing each year across the lifetime of the LDP, the proposed dwellings would contribute to the supply of housing which would help to sustain the settlement. As such, the proposal would fulfil test i) and therefore is not required to fulfil test ii). On the basis of the site having previously formed garden land to an adjoining dwelling, the proposal would also meet the requirement of test iii) as being previously developed land.
52. In order to fulfil test iv), TAN 15 sets out the criteria against which developments must be considered in order for the potential consequences of a flooding event to be acceptable. This includes that the site remains flood free during the 0.5% AEP tidal event, which NRW confirms should include an allowance for climate change and take account of a breach/wave overtopping scenario of the existing defences. For less frequent events, a tolerable threshold of 600mm depth of flooding to habitable rooms is provided.
53. The applicant's FCA (August 2024) states that the site is expected to flood to depths of up to 0.95m during the 0.5% AEP plus climate change and breach scenario. Although it is proposed to raise finished floor levels of the dwellings by a minimum of 0.95m above ground level in order to ensure the site remains flood free, NRW points to its latest modelling that shows flood depths at the site to be greater than anticipated in the FCA, especially when considering a breach/overtopping scenario, such that flooding of up to 300mm could be experienced to ground floors even with the intended raised floor levels. Furthermore, NRW confirms that the existing and planned flood defence improvements in the area would not provide sufficient protection against the 0.5% AEP plus climate change scenario.
54. Whilst TAN 15 states that the thresholds set out are not prescriptive, due to the uncertainties regarding the accuracy of the FCA, I am not persuaded that it has been demonstrated that the extent of any deviation from this threshold would not be significant. In addition, in the absence of any substantive evidence to the contrary, the existing and planned flood defence works would not ensure sufficient protection to achieve the requirements of TAN 15.
55. Paragraph A1.12 also requires that escape/evacuation routes are shown to be operational under all conditions. Although the FCA refers to the use of warning systems providing sufficient notice of flood events, there is otherwise little to demonstrate that a suitable access and egress would be available and under all conditions. Whilst the Regional Emergency Planning Service has not objected to the scheme, its comments are generic in nature and applicable to all sites, and clearly state its role is not to 'sanction' plans. The lack of objection from this body does therefore not confirm that suitable access and egress would be available. Given the lack of evidence, and the significant

area around the site which falls within an identified flood zone, I do not consider the proposal would be acceptable with regard to access and egress in the event of flooding.

56. The FCA also sets out a range of flood resistance and resilience measures that would be provided as part of the proposal. Although such measures would assist in reducing property damage from flood water, this would not address the risk to future occupiers. Whilst first floor accommodation may provide a refuge, I do not consider it acceptable for occupiers to remain in the upper levels of the dwellings for potentially lengthy periods of time, particularly given my findings regarding the lack of adequate access/egress which may hinder evacuation and emergency services. My position in this regard also reflects the guidance in TAN 15 paragraph 7.2, which states that 'It would certainly not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved.'
57. Drawing together all of the above, I find that the proposed development would not comply with the requirements of TAN 15.
58. I acknowledge that the status of TAN 15 is technical guidance, as recognised in paragraph 1.2 of the document. However, this supplements national policy set out in PPW and provides a framework for the assessment of risks to development from flooding. As such, it is a material consideration to be taken into account in my appraisal of the proposal. Furthermore, LDP Policies DP/1 and DP/6 require proposals to comply with national planning policy and guidance. The proposal would therefore run counter to this local policy requirement.
59. Given the potentially significant harm I have identified to life and property, the proposal would also fail to accord with the requirement of LDP Policy DP/4 to resist development where there would be an unacceptable adverse impact on flooding and risk, as well as the general requirement of LDP Policy DP/1 to take address the risk of flooding. In conclusion, the proposed development would not be acceptable having regard to flood risk.

Biodiversity

60. PPW requires the application of a step-wise approach in order to maintain and enhance biodiversity, build resilient networks and deliver net benefits. This aim is reflected in LDP Policies DP/1, DP/3, DP/4 and DP/6 which require proposals to comply with national policy and guidance; conserve or enhance the quality of biodiversity; secure the retention and enhancement of biodiversity features; and avoid unacceptable adverse impacts on ecological and wildlife interests. More specifically, LDP Policy NTE/3 sets out the approach for new development to conserve and, where possible, enhance biodiversity.
61. Whilst the applicant has sought, through the submitted GIS, to demonstrate compliance with each stage of the step-wise approach, this is predicated on the assumption that the application site is of no biodiversity merit. However, no survey work or other evidence has been provided to support this position. The GIS also makes no reference to options considered to avoid or minimise harm to biodiversity.
62. From my own observations, the majority of the site is vegetated with grass and small shrubs. It is therefore apparent that although there are no ecological designations affecting the site, there would be a loss of habitat, which would result in some adverse effect on biodiversity. The area of vegetation lost would be a significant portion of the site, taking into account the dwellings' footprint, hardstanding, patio, paths, cycle and bin stores proposed.

63. The GIS makes general references to promoting the management of habitats and protected species, and additional shrub planting providing the only opportunity for biodiversity enhancement. It also notes that the management of planting will be reliant on individual owners. Otherwise, there is a lack of detail regarding any proposed planting and, in the absence of information regarding the biodiversity value of the site, I am unable to conclude that this would be sufficient to provide an enhancement over and above the current baseline. Given the insufficient certainty that suitable and adequate measures could be provided, I do not consider the use of a planning condition to secure a scheme of enhancement at a later date to be an appropriate approach in this instance.
64. In conclusion, due to the lack of information before me, I find that the proposal does not demonstrate that a net benefit to biodiversity would be secured, nor do I consider the step-wise approach has been adequately addressed. The proposal would therefore have an adverse effect on biodiversity interests and fail to comply with PPW and LDP Policies DP/1, DP/3, DP/4, DP/6 and NTE/3.

Other Matters

Housing supply

65. The proposal would contribute towards the supply of housing in the area. Given the evidence provided by the Council of a persistent and substantial under-delivery of homes in the county since the adoption of the LDP, and the objective of PPW to support the delivery of housing to meet local requirements, this weighs in favour of the development.

Affordable housing

66. LDP Policy HOU/2 sets out the expectations for the provision of affordable housing as part of development proposals, whilst noting that a lower provision may be acceptable where it is supported by evidence relating to viability. For proposals of 3 dwellings or fewer, contributions may be made through off-site provision or a commuted payment.
67. The applicant's Site Viability Assessment states that the proposal would not be sufficiently viable to support the required commuted payment, with which the Council agrees. Indeed, the submitted financial evidence shows that the scheme would be marginally viable even without a contribution towards affordable housing. Based on this evidence, I am satisfied that the appraisal has demonstrated that a lower provision is justified and the proposal would comply with LDP Policy HOU/2.

Living conditions

68. Given the absence of windows in the side elevations of the proposed and neighbouring dwellings, as well as the footprint of the proposed dwellings being similar or smaller than those adjoining, there would be no windows affected by loss of light or outlook, or from overlooking, and little impact on rear gardens in this respect. As such, the proposal would be acceptable with regard to its effect on the living conditions of neighbouring occupiers, and of future occupiers of the proposal.

Character and appearance

69. The majority of surrounding dwellings are bungalows of varied appearance, with a smaller number of two-storey properties, including 2 semi-detached pairs to the west of the site. The proposed dwellings would be generally consistent with the adjoining two-storey properties in scale, appearance, roof form and building line. Given the proposal would be in-keeping with the adjoining properties, and the varied appearance of the surrounding area, I am satisfied that subject to details of external materials being secured

through the use of a condition, the proposal would not be harmful to the character and appearance of the surrounding area.

Highway safety

70. Vehicle access and off-street parking would be provided for each dwelling directly from the adjoining highway. In responding to the application, the Highways Authority (HA) provided a range of requirements relating to: control of boundary wall height and obstructions within the visibility splays; surface materials; access gradient; provision of the accesses prior to commencement; the use of ACO drains or similar; clarification of an existing telegraph pole; identification of refuse areas on plans; approval of a CTMP prior to commencement; HA satisfaction of work carried out prior to occupation. The acceptability of the absence of boundary walls was also confirmed.
71. Requirements for the provision of ACO drains or similar would duplicate controls under other regulatory regimes. Any relocation of the telegraph pole would be the responsibility of the landowner. The site plan shows the location of the proposed bin stores. I am satisfied the remaining requirements can be addressed through the imposition of suitably worded planning conditions. On this basis, the proposal would be acceptable with regard to highway safety.

Drainage

72. Welsh Water Dŵr Cymru has confirmed that capacity exists to accommodate domestic foul flows. Subject to ground conditions and soakaway design, the development is unlikely to increase the risk of flooding from surface water run-off and, as these matters will be addressed through the SAB approval process, a condition is not required given it would duplicate the controls provided through other regimes. The proposed development would therefore be acceptable with regard to drainage.

Conditions

73. In the event that the Welsh Ministers decide to approve the application, I consider the conditions set out in the attached schedule to be reasonable and necessary and would satisfy the tests set out in Circular 16/14: The Use of Planning Conditions in Development Management.
74. I have amended the Council's suggested condition no. 5 by removing the reference to ACO drains as this can be controlled by other regimes which planning conditions should not duplicate.

Planning Balance and Overall Conclusion

75. The proposal would conflict with national and local planning policies relating to flood risk. Given the potentially very serious consequences to life and property that could occur, I attribute significant weight to this matter. In addition, there would be an adverse effect on biodiversity interests, and conflict with local and national policy, a matter to which I also afford significant weight.
76. The main benefit of the proposal would be in contributing to housing supply and addressing the under-delivery of homes in the county. Given the small contribution 3 dwellings would make in this respect, this attracts modest weight in favour of granting planning permission.
77. The proposal would be acceptable with regard to its effect on living conditions, the character and appearance of the area, drainage, the provision of affordable housing and, subject to conditions, highway safety. As these are normal expectations for new

developments, such considerations are neutral factors that weigh neither for nor against the proposal.

78. In balancing these issues, I find that the harm associated with the proposal in respect of flood risk and biodiversity, and associated policy conflicts, to be compelling factors which outweigh the limited benefit in relation to housing supply.

Recommendation

79. That planning permission be refused.

80. In making this recommendation, 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 taken into account the ways of working set out at section 5 of the WBFG Act and consider that the findings of this report are 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.

Claire MacFarlane

INSPECTOR

APPENDIX A: SCHEDULE OF RECOMMENDED PLANNING CONDITIONS

1. The development shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Subject to the requirements of the other conditions in this planning permission, the development shall be carried out in accordance with the following approved plan bearing the date stamp "CONWY COUNTY BOROUGH COUNCIL DEVELOPMENT CONTROL AMENDMENT RECEIVED:07OCT2024 APPLICATION NO: 0/51155":
 - Location plan (drawing number 22-DES-023/L1 Revision B)
 - Proposed block plan (drawing number 22-DES-023/B1 Revision F)
 - Proposed plot 1 floors plan (drawing number 22-DES-023/1 Revision B)
 - Proposed plot 1 elevations plan (drawing number 22-DES-023/2 Revision D)
 - Proposed plot 2 first floor and plot 3 ground floor plan (drawing number 22-DES-023/4 Revision B)
 - Proposed plots 2 & 3 elevations plan (drawing number 22-DES-023/5 Revision D)

AND

In accordance with the following approved plan bearing the date stamp "CONWY COUNTY BOROUGH COUNCIL DEVELOPMENT CONTROL RECEIVED: 10OCT2023 APPLICATION NO: 0/51155":

- Proposed plot 2 ground floor and plot 3 first floor plan (drawing number 22-DES-023/3 Revision A).

Reason: For the avoidance of doubt as to which drawings have been approved.

3. Notwithstanding the details shown on the application plan, no development shall commence (including any site clearance or construction works) until a scheme for the disposal of foul water generated by the use and occupation of the dwellings hereby permitted has first been submitted to and approved in writing by the local planning authority. The approved scheme for the disposal of foul water shall be implemented prior to the initial (first) occupation of the dwellings and shall be retained in perpetuity. No further foul water shall be allowed to connect directly or indirectly with the public sewerage system other than those expressly authorised under this condition.

Reason: To ensure sufficient drainage facilities have been provided to serve the development, to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, to comply with Policies DP/3, DP/4 and NTE/9 of the adopted Conwy Local Development Plan 2013.

4. Notwithstanding the details shown on the application plan, no development shall commence (including any site clearance or construction works) until a scheme for the provision of the visibility splays for the site accesses of the dwellings hereby permitted has first been submitted to and approved in writing by the local planning authority. The approved visibility splays for the site accesses of the dwellings shall be provided prior to the initial (first) occupation of the dwellings and maintained free of any obstruction exceeding 0.6 metre in height for as long as the development exists.

Reason: In the interests of highway safety, to comply with Policies DP/3 and DP/4 of the adopted Conwy Local Development Plan 2013.

5. Notwithstanding the details shown on the application plan, no development shall commence (including any site clearance or construction works) until a scheme for the provision of vehicular site accesses and parking spaces within the curtilages of the dwellings hereby permitted has first been submitted to and approved in writing by the local planning authority. The first six (6) metres of the vehicular site accesses shall be constructed of a bound material in gradients not exceeding 1 in 20. No less than two (2) parking spaces shall be provided within the curtilage of each of the dwellings hereby permitted in a dimension not smaller than 2.6 metres x 4.8 metres each. The approved vehicular site accesses and parking spaces shall be laid out and completed within the site prior to the initial (first) occupation of the dwellings and shall be retained in perpetuity for the movement or parking of vehicles that are incidental to the permitted use of the dwellings only.

Reason: In the interests of highway safety, to comply with Policies DP/3, DP/4 and STR/2 of the adopted Conwy Local Development Plan 2013.

6. Notwithstanding the details shown on the application plan, no development shall commence (including any site clearance or construction works) until the scaled floor and elevations plan showing the design and appearance of the cycle/mobility scooter sheds shown on drawing number 22-DES-023/B1 Revision F has first been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the approved cycle/mobility scooter sheds shall be constructed prior to the initial (first) occupation of the dwellings and shall be retained in perpetuity for the storage or cycle/mobility scooter that are incidental to the permitted use of the dwellings only.

Reason: To support active travel, to comply with Policies STR/2 and STR/4 of the adopted Conwy Local Development Plan 2013.

7. No development shall commence, including any site clearance or construction works, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the site clearance and construction period. The statement shall provide for:
- (a) Plant and materials delivery arrangements;
 - (b) Loading and unloading areas;
 - (c) Site construction access;
 - (d) Storage of plant, materials, large/heavy vehicles/machinery used in constructing the development;
 - (e) Onsite parking for site operatives and visitors during construction;
 - (f) Measures to control dust, dirt, noise and vibration during construction;
 - (g) Measures to prevent ground and surface water pollution;
 - (h) Details of any use of temporary security site lighting;
 - (i) A scheme for recycling /disposing of waste resulting from site clearance and construction works;
 - (j) The location of any staff welfare facilities;
 - (k) Details of street sweeping/street cleansing/wheel wash facilities.

Notwithstanding the provisions of Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) no temporary buildings, moveable structures, works, plant or machinery shall be provided within the

site other than those expressly authorised in the approved Construction Method Statement.

Reason: In the interests of residential amenity and highway safety, to comply with Policies DP/3 and DP/4 of the adopted Conwy Local Development Plan 2013.

8. Site clearance or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or public holidays.

Reason: In the interests of residential amenity, to comply with Policies DP/3 and DP/4 of the adopted Conwy Local Development Plan 2013.

9. Construction vehicles and traffic shall not arrive at or depart from the site and deliveries shall not be taken at or dispatched from the site outside the hours of 08:00 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays, and at no time on Sundays or public holidays.

Reason: In the interests of residential amenity, to comply with Policies DP/3 and DP/4 of the adopted Conwy Local Development Plan 2013.

10. Notwithstanding the details shown on the application plan, no development shall take place (including any site clearance or construction works) until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- (a) Earthworks showing existing and proposed finished levels or contours;
- (b) Means of enclosure and retaining structures;
- (c) Hard surfacing materials;
- (d) Water features (if applicable);
- (e) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

All hard landscaping works comprised in the approved details of landscaping on each building plot shall be completed prior to the first (initial) occupation of the dwelling on each building plot.

All planting, seeding and turfing comprised in the approved details of landscaping on each building plot shall be carried out before the end of the first planting and seeding seasons immediately following the first (initial) occupation of the dwelling or the completion of the development on each building plot, whichever is the sooner. Any trees or plants which, within a period of five (5) years from the completion of the development on each building plot, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of residential amenity, visual amenity and nature conservation, to comply with Policies DP/3, DP/4, NTE/1 and NTE/3 of the adopted Conwy Local Development Plan 2013.

11. No development shall commence, including any site clearance or construction works, until a scheme for biodiversity mitigation and enhancement for the development based

on the results of an ecological survey of the development site and a timetable for its implementation have first been submitted to and approved in writing by the local planning authority. The approved biodiversity mitigation and enhancement for the development shall be implemented in accordance with the approved details and timetable, and shall thereafter be retained in perpetuity.

Reason: In the interests of nature conservation, to comply with Policies DP/3, DP/4, NTE/1 and NTE/3 of the adopted Conwy Local Development Plan 2013.

12. No development shall commence (including any site clearance or construction works) until the details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings and the cycle/mobility scooter sheds have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to comply with Policy DP/3 of the adopted Conwy Local Development Plan 2013.