

## APPROVAL OF RESERVED MATTERS

CARMARTHENSHIRE COUNTY COUNCIL - MR JONATHAN FEARN  
HEAD OF CORPORATE PROPERTY  
C/O AGENT

Application No: **W/29034** received: 16/10/2013 for:

**Proposal :** THE CROSS HANDS EAST SES INTERNAL ACCESS ROAD AND DEVELOPMENT PLOT PLATEAUS, AS SHOWN ON THE APPLICATION PLAN P 011 THAT ACCOMPANIES THIS APPLICATION - RESERVED MATTERS (ACCESS AND LANDSCAPING) TO OUTLINE PLANNING PERMISSION W/23782

**Location :** LAND AT THE CROSS HANDS EAST STRATEGIC EMPLOYMENT SITE (SES), ADJOINING THE CROSS HANDS BUSINESS PARK, NORTH EAST OF HEOL PARC MAWR AND TO THE SOUTH WEST OF BLACK LION ROAD, CROSSHANDS, CARMARTHENSHIRE

*Carmarthenshire County Council HEREBY APPROVE RESERVED MATTERS for the details specified by you as shown on the application form, plan(s) and supporting document(s), reserved for the subsequent approval by the Council in the previous outline planning permission, subject to the following ADDITIONAL condition(s):*

### CONDITIONS

- 1 The development shall be commenced before whichever is the later of:-
  - a) the expiration of five years from the date of the outline planning permission to which this development relates
  - or
  - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The approval of reserved matters hereby granted is in respect of the "Access" and "Landscaping" only, in respect of the identified application site.
- 3 Prior to the occupation of any building on any specified phase of the development approved, the required access roads and footways leading from the existing public highway to that specific phase of the development shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.

- 4 No development shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. Such an approved scheme shall then be implemented prior to the construction of any impermeable surfaces draining into the system, unless otherwise agreed in writing by the local planning authority.
- 5 Notwithstanding the details submitted, precise detail of the design, height and materials of construction of screen and forecourt walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved, unless otherwise.
- 6 Notwithstanding the details submitted a detailed landscaping scheme for the whole site including the retention of any existing landscape features and the indication of species, size and number of trees and/or shrubs to be planted shall be submitted to, and specifically approved in writing by the Local Planning Authority prior to the commencement of the development and shall, following approval of such a scheme, be implemented in the first planting season following commencement of the development or at such other time as may be specifically approved in writing by the Local Planning Authority.

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
  - 2 For the avoidance of doubt as to the extent of this permission.
  - 3 In the interests of highway safety.
  - 4 To ensure a satisfactory form of drainage and prevent any increased flood risk elsewhere.
- 5&6 In the interest of visual amenity.

## **NOTES**

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received by the Local Planning Authority in respect of the application :-

- ESES-0001P1- ESES-0010P1 General Arrangement Received 16-10-2013;
- ESES-0201P1- ESES-0210P1 Site Clearance Received 16-10-2013;
- ESES-0301P1- ESES-0310P1 Boundary Fencing Received 16-10-2013;
- ESES-0501P1- ESES-0505P1 Drainage Layout Received 16-10-2013;
- ESES-0510P1 Foul Manhole Schedule Received 16-10-2013;
- ESES-0511P1 Storm Manhole Schedule Received 16-10-2013;
- ESES-0701P1- ESES- 0711P1 Pavement Finishes Received 16-10-2013;
- ESES-0801P1- ESES- 0805P1 Plan and Long Sections Received 16-10-2013;
- ESES-1101P1- ESES- 1110P1 Kerbing Layout Received 16-10-2013;
- ESES-1201P1- ESES- 1207P1 Traffic Signs and Road Markings Received 16-10-2013;
- ESES- 1211P1 Warning Sign and Regulatory Sign Face Details Received 16-10-2013;
- ESES-1301P1- ESES- 1310P1 Street Lighting Layout Received 16-10-2013;
- ESES-1311P1 Feeder Pillar Schematics Received 16-10-2013

- P1B- 0006P1 General Arrangement Received 16-10-2013;
- P1B- 0206P1 Site Clearance Received 16-10-2013;
- P1B- 0606P1 Proposed Earthworks Received 16-10-2013;
- P1B- 0706P1 Pavement Finishes Received 16-10-2013;
- P1B- 0803P1 Plan and Long Section Received 16-10-2013;
- P1B- 1106P1 Kerbing Layout Received 16-10-2013;
- P1B- 1206P1 Traffic Signs and Road Ratings Received 16-10-2013;
- P1B- 1306P1 Street Lighting Layout Received 16-10-2013;

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

The developer is advised to contact the Authority's Highways Adoption Officer with regard to the offering of the proposed estate road for adoption by the local authority under Section 38 of the Highways Act 1980.

It is the responsibility the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence under Section 184 of the Highways Act 1980 before undertaking any works on an existing Public Highway.

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement, and the total cost of completing such an agreement shall be born by the developers.

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway

No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority.

All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994) And that Under Regulation 39 of the Regulations, it is an offence to:

- (a) deliberately capture, injure or kill any wild animal of a European protected species;
- (b) deliberately disturb animals of any such species in such a way as to be likely significantly to affect:
  - (i) the ability of any significant group of animals of that species to survive, breed, or rear or nurture their young, or
  - (ii) the local distribution or abundance of that species;
- (c) deliberately take or destroy the eggs of such an animal; or
- (d) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

Bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place. The Wildlife and Countryside Act disturbance offence applies to activities that cause low level disturbance which is no longer an offence under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations (1994).

The building(s) on this application site may potentially be used by nesting birds. The applicant/developer should be aware that under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

The applicant/developer is reminded of the presence of the unclassified highway U2262 Green Grove Road which leads through part of the application site. This route is protected by the provisions of the Highways Act 1980, whereby no development involving the stopping up or diversion of this highway shall take place without first obtaining the requisite consent to do so either under Section 116 of the Highways act 1980, or under Section 248 of the Town and Country Planning Act 1990.

## SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town & Country Planning (General Development Procedure)(Wales)(Amendment) Order 2004, the council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Adopted Carmarthenshire Unitary Development Plan 2006 (UDP)) and material considerations do not indicate otherwise. The policies which refer are as follows:

- The proposal complies with Policy GDC2 of the UDP in that it is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses;
- The proposal complies with Policy GDC11 of the UDP in that it provides adequate access and parking provision;
- The proposal complies with Policy GDC12 of the UDP in that the traffic generated by the proposed development will not adversely affect highway safety or residential amenity;
- The proposal complies with Policy GDC14 of the UDP in that the proposed development will not have a detrimental impact on the capacity of utility services;
- The proposal complies with Policy EN1 of the UDP in that it has been proven that the proposal either directly or indirectly, individually or in combination with other plans or projects will not adversely affect the integrity of the European protected site;
- The proposal complies with Policy T3 of the UDP in that the capacity of the highway network is sufficient to accommodate the development;
- The proposal complies with Policy T4 of the UDP in that the level of vehicle parking provision is acceptable;
- The proposal complies with Policy EN1 of the UDP in that it has been proven that the proposal either directly or indirectly, individually or in combination with other plans or projects will not adversely affect the integrity of the European protected site;
- The proposal complies with Policy EN5 of the UDP in that the development will not cause demonstrable harm to species or their habitats protected by legislation;
- The proposal complies with Policy EN6 of the UDP in that the development will not cause demonstrable harm to species or their habitats, whilst there is scope to create new habitats;
- The proposal complies with Policy EN9 of the UDP in that the development will not cause harm to a habitat or species recognised in either the UK Biodiversity Action Plan or the Carmarthenshire Local Biodiversity Action Plan;
- The proposal complies with Policy UT1 of the UDP in that the infrastructure is adequate to meet the needs of the development;
- The proposal complies with Policy UT8 of the UDP in that adequate surface water disposal methods can be put in place;

- The proposed development accords with CUDP1 in that it facilitates the development of a key area in one of the three Growth Areas in the Sustainable Strategic Settlement Framework.

**DECISION DATE:** 17/02/2014

SIGNED: \_\_\_\_\_

Senior Development Management Officer  
for and on behalf of  
EIFION W BOWEN, BSc, Dip TP, MRTPI  
HEAD OF PLANNING