

TOWN AND COUNTRY PLANNING ACT 1990

## Decision Notice

### Full Planning Permission Granted

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#### **Applicant**

Parc Emlyn Developments Limited  
Tycroes Farm  
Llandeilo Road  
Gorslas  
Llanelli  
Carmarthenshire  
SA14 7LW

Application No: **E/32720** registered on 28/09/2015 for:

<b>Proposal:</b>	RESIDENTIAL DEVELOPMENT OF 70 NO DOMESTIC UNITS - PHASE II
<b>Location:</b>	PHASE II PARC EMLYN, OFF NORTON ROAD, PENYGROES, LLANELLI, SA14 7RZ
<b>Application Type:</b>	Full planning permission

Carmarthenshire County Council HEREBY GRANT FULL PLANNING PERMISSION for the development proposed by you as shown on the application form, plan(s) and supporting document(s) subject to the following condition(s):

***Please read the conditions listed below carefully, some conditions may require to be discharged prior to or during development.***

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#### **Condition 1**

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

#### **Condition 2**

The development shall be carried out strictly in accordance with the following approved plans and supporting documents, unless amended by any of the following conditions:-

- Location Plan 1:1250 scale (Drawing No. CW467/05 Rev E),

received on 16 March 2016;

- Site Plan 1:1250 scale (Drawing No. CW467/01 Rev I),
- Site Layout Plan 1:500 scale (Drawing No. CW467/02 Rev G),

received on 23 November 2016;

- Topographical Survey 1:1250 scale (Drawing No. CW467/04 Rev. D),

received on 14 March 2016;

- Street Scenes (Sections) 1:200 scale (Drawing No. CW467/03),
- Type 1 – 2 Bedroom Semi-detached Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/10),
- Type 2a – 3 Bedroom Semi-detached Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/11),
- Type 2b & 2C – 3 Bedroom Semi-detached Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/12),
- Type 3b – 3 Bedroom Detached House Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/13),
- Type 3c – 3 Bedroom Detached House Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/14),
- Type 4 - 4 Bedroom Detached House Elevations, Ground and First Floor Layout Plans 1:50 and 1:100 scale (Drawing No. CW467/15),
- Type 5 – 2 Bedroom Flat Elevations and Floor Layout Plans 1:50 and 1:100 scale – (Drawing No. CW467/16),

received on 2 September 2015;

- Site Layout Plan & Section NTS (Project No. 80/00),

received on 24 September 2019;

- General Arrangement Plan – Archibald Shaw – 1:500 scale (Drawing No. EX.00 Rev. P3),
- Design Statement with Summary Calculations - Foul and Surface Water Drainage (prepared by Archibald Shaw Consulting Civil and Structural Engineers) (November 2019),

received on 30 December 2019;

- Written Scheme of Investigation for an Archaeological Watching Brief (prepared by Archaeology Wales),

received on 7 September 2017;

- Phase 1 Habitat Survey - Breeding Bird Survey and Protected Species Habitat Assessment (prepared by Pryce Consultant Ecologists) (19 May 2017),

received on 14 August 2017;

- Preliminary Ecological Appraisal (issue date 6 August 2021),

received on 24 August 2021;

- Addendum to Preliminary Ecological Appraisal (PEA) (original issue dated 6 August 2021 by Pryce Consultant Ecologists) regarding proposed mitigation for disturbance to potential Dormouse habitat (letter format - dated 19 May 2022),
- Dormouse Habitat Mitigation Proposals (Drawing dated 12 April 2022),

received on 10 June 2022.

*Reason:* For the avoidance of doubt as to the extent of this permission.

### **Condition 3**

A sample/detailed specification of the external finishes to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

*Reason:* In the interest of visual amenity.

### **Condition 4**

No development shall be commenced until a Construction Management Plan (CMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the CMP shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. The scheme shall be implemented as approved and shall identify, as a minimum:-

- identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
- how each of those watercourses and pathways will be protected from site run off during construction;
- how the water quality of the watercourses will be monitored and recorded;
- how surface water runoff from the site during construction will be managed/discharged;

(Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses)

- storage facilities for all fuels, oils and chemicals;
- construction compounds, car parks, offices etc.;
- details of the nature, type and quantity of materials to be imported on to the site;
- measures for dealing with any contaminated material (demolition waste or excavated waste);
- identification of any buried services, such as foul sewers, so that they are protected;
- details of emergency contacts, for example Natural Resources Wales hotline.

*Reason:* In the interests of environmental protection.

### **Condition 5**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme; boundary treatments details (including any retaining structures) to be erected; and a Landscape Ecological Environmental Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site.

The boundary treatments and retaining structures shall be completed in accordance with the approved details and plan(s) and implemented prior to the beneficial occupation of any of the dwellings hereby approved or in accordance with a timetable which shall first be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be retained as approved in perpetuity.

The LEMP should include:

- Details of habitats and ecological features present and to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of activities.
- Details of short and long-term management, monitoring and maintenance of new and existing ecological features at the site to deliver and maintain the desired condition.
- Details of monitoring of ecological features.
- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas.

*Reason:* To ensure that the development enhances the character and appearance of the site without adversely impacting on the approved hard and soft landscaping and embraces opportunities to enhance biodiversity, ecological connectivity, and mitigation.

#### **Condition 6**

No development shall commence until a suitably qualified archaeologist is appointed to supervise and ensure the submitted Archaeological Written Scheme of Investigation (WSI) prepared by Archaeology Wales (dated August 2017) is implemented in full.

*Reason:* To protect historic environment and archaeological interests whilst enabling development.

#### **Condition 7**

Prior to its use by vehicular traffic, the new access road serving plot nos 64-69 shall be laid out and constructed with 5.0 metre carriageway, 1.8 metre footway on developed frontage (west), and 6.0 metre kerbed radii at the junction with the B4556 road.

*Reason:* In the interest of highway safety.

#### **Condition 8**

There shall at no time be any growth or obstruction to visibility over 0.9 metres above the adjacent carriageway crown, over the site's whole private estate road (serving plots 64-69) frontage within 2.4 metres of the near edge of carriageway.

*Reason:* In the interest of highway safety.

#### **Condition 9**

Prior to its use by vehicular traffic, the new estate access road shall be laid out and constructed with 5.5 metre carriageway, 1.8 metre footways.

*Reason:* In the interest of highway safety.

#### **Condition 10**

There shall at no time be any growth or obstruction to visibility over 0.6 metres above the adjacent carriageway crown, over the site's whole estate road frontage within 2.0 metres of the near edge of carriageway.

*Reason:* In the interest of highway safety.

#### **Condition 11**

Prior to any use of the internal estate road junction by vehicular traffic, a visibility splay of 2.4 metres x 25.0m metres shall be formed and thereafter retained in perpetuity, either side of the centre line of the estate road in relation to the nearer edge of carriageway. In particular no growth or obstruction over 0.9m within this splay area.

*Reason:* In the interest of highway safety.

#### **Condition 12**

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity.

*Reason:* In the interest of highway safety.

#### **Condition 13**

Prior to the occupation of any of the dwellings herewith approved, the required access roads and footways from the existing public highway 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.

*Reason:* In the interest of highway safety.

#### **Condition 14**

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

*Reason:* In the interest of highway safety.

#### **Condition 15**

Prior to commencement of development a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and in accordance with the approved details.

*Reason:* In the interest of highway safety.

#### **Condition 16**

No development shall commence until an Air Quality Assessment (AQA) has been carried out in accordance with the latest Environmental Protection UK Guidance "Air Quality Planning Guidance (May 2015)", or justification be provided as to why an AQA is not required. The AQA or justification for not

requiring an AQA should take in to consideration the potential impact of the proposed Phase 2 of the Cross Hands Economic Link Road. The AQA or justification document should be submitted to the Local Planning Authority for written approval.

*Reason:* To ensure the site does not contribute to reduced levels of amenity caused by poor air quality.

#### **Condition 17**

No development shall commence until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:* In the interests of public protection.

#### **Condition 18**

No building shall be occupied until the surface water drainage scheme for the site has been completed in accordance with the Design Statement with Summary Calculations - Foul and Surface Water Drainage (prepared by Archibald Shaw Consulting Civil and Structural Engineers) (November 2019) Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

*Reason:* To ensure that effective drainage facilities are provided to serve the development.

#### **Condition 19**

Any works affecting vegetation on site must be done outside the nesting season, which is recognised to be from March to August inclusive. A sensitive vegetation clearance strategy covering all ecological features within the site shall therefore be prepared and submitted to the Local Planning Authority for written approval prior to the commencement of any development, and then implemented as approved.

*Reason:* In the long-term ecological interests of the site.

#### **Condition 20**

Prior to the commencement of development a comprehensive Ecological Design Scheme (EDS) incorporating detailed design proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and functions, and the long term monitoring of habitat and species allied to protected species on site shall be submitted to and approved in writing by the Local Planning Authority.

- Details of the methods and triggers for action to be undertaken;
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required;
- Timescales for submission of monitoring reports to the Local Planning Authority e.g. annually;
- Drawings setting out areas to be covered by the long term obligation;
- Details of any necessary contingency and remedial actions and timescales for actions;
- Details confirming that the contingency and remedial actions have been carried out.

The scheme shall then be implemented as approved.

*Reason:* A protected species long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected species.

#### **Condition 21**

No development shall commence on any part of the application site hereby granted planning permission until the applicant/developer has commissioned a scheme for the undertaking of intrusive site investigations, designed by a competent person, adequate to properly assess the ground conditions on the site, and establish the risks posed to the development by past coal mining activity. The scheme shall then be submitted to, and approved in writing by, the Local Planning Authority.

*Reason:* To ensure any coal mining legacy issues are addressed.

#### **Condition 22**

Prior to the commencement of any construction works, a report comprising the findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary, shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, any remedial or mitigation measures identified should be implemented in accordance with the approved details.

*Reason:* To ensure any coal mining legacy issues are addressed.

#### **Condition 23**

Prior to the first beneficial occupation of any of the dwellings hereby approved, details of an acoustic barrier/fence to be installed along the entire length of the southern boundary of the site shall first be submitted to, and approved in writing by, the Local Planning Authority and thereafter installed within an agreed timescale.

*Reason:* To ensure that the amenity of future occupiers of the development are adequately protected from any potential noise adjacent residential development are in accordance with LDP Policy EP2.

#### **Condition 24**

The works hereby approved shall be carried out strictly in accordance with the mitigation measures detailed in the Addendum to Preliminary Ecological Appraisal (PEA) (Pryce Consultant Ecologist – dated 19 May 2022) received 10 June 2022.

*Reason:* To ensure that the proposed development is not detrimental to the maintenance of the population of Dormice.

### **Reasons for Granting Planning Permission**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposal complies with Policies, GP1, GP2 and H1 of the LDP in that it is part of an existing allocation and is situated within the development limits of Cross Hands.

- The proposal complies with Policies GP3 and AH1 of the LDP in that the applicant/developer has entered into a legal agreement securing the relevant contribution towards community benefits as part of the development.
- The proposed development complies with Policy TR3 of the LDP in that it provides appropriate parking and will not generate unacceptable levels of traffic on the surrounding road network or be detrimental to highway safety.
- The proposed development complies with Policies SP14, EQ4, EQ5, EP1 of the LDP in that it proposes appropriate mitigation and embraces opportunities to enhance biodiversity and ecological connectivity.
- The proposed development complies with LDP allocation GR3/MU2 – Emlyn Brickworks, in that the mixed use allocation allows for, amongst others, a significant residential allowance.

### **Note 1**

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 outline 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.

### **Note 2**

The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. This agreement shall cover the requirement for the applicant/developer to provide the requisite level of onsite affordable housing, and pay commuted sums to the Council in respect of:

- An in lieu contribution of £50,338.50 for the purchase and maintenance of an equivalent area of open mosaic habitat that will be lost as a consequence of this development;
- A commuted sums contribution of £73,010.00 required in compliance with the Caeau Mynydd Mawr Special Area of Conservation SPG;
- Prior to the occupation of the 35th dwelling, seven (7) affordable dwellings (Plots 43, 44, 45, 46, 47, 48 and 52) shall be constructed and completed ready for occupation.



**Note 3**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

**Note 4**

This application has been determined within the scope of the delegated authority granted to the Head of Planning by the Meeting of Carmarthenshire County Council on 12 October 2011 (Minute No 7 refers).

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**DATED:** 26/07/2023

*Rhodri Griffiths*

**Pennaeth Lle a Chynaliadwyedd / Head of Place and Sustainability**

**PLEASE NOTE:** Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.