

FULL PLANNING PERMISSION

L R AND H M LEWIS AND MR I R LEWIS
DOLAUGWYNION FARM
LLANDOVERY
CARMARTHENSHIRE
SA20 0RG

Application No: **E/26681** received: 06/06/2012 for:

Proposal : RESIDENTIAL DEVELOPMENT INCLUDING RELATED INFRASTRUCTURE AND LANDSCAPING (AMENDED LAYOUT WITH A REDUCTION OF HOUSING NUMBERS TO 61)

Location : LAND AT DAN Y CRUG, BRECON ROAD, LLANDOVERY, SA20 0DF

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):

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 All planting, seeding or turfing that forms part of the landscaping scheme hereby approved shall be carried out in the first planting season following the completion of the development.
- 3 The existing hedgerows and trees on site are to be protected by fencing to BS5837 (Trees in relation to Construction) standard, whilst development takes place. No materials or equipment should be stored or dumped inside the fence.
- 4 Prior to the occupation of any of the dwellings herewith approved, the required access roads and footpaths from the existing public highway serving the occupied properties 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.
- 5 The parking spaces and layout shown on the plans herewith approved shall be provided to the property served by the parking spaces and layout to the written approval of the Local Planning Authority prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.
- 6 Where any species listed under Schedules 2 or 4 of Conservation of Habitats and Species Regulations 2010 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 Regulations and a copy thereof has been produced to the Local Planning Authority.

- 7 No development shall commence until a badger survey of surrounding agricultural land within the applicants ownership, within 50 metres of the application site has been submitted to, and approved in writing by the Local Planning Authority. Conservation works shall be carried out in accordance with the approved details.
- 8 No development approved by this permission shall be commenced until a Method Statement 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.
- 9 During the construction phases, no works or demolition or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 13:00 and not at all on Sundays, Bank or Public Holidays.
- 10 No deliveries shall be taken at or dispatched from the site outside the hours of 20:00 through to 08:00 or at any time on Sundays, Bank or Public Holidays to protect the hours of sleep.
- 11 The rating level of the noise emitted from the proposed development as a whole shall not exceed the existing background noise level by 5db or more. The noise levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. Where the background noise levels shall be expressed as $L_{A90} 1 \text{ hour}$ and the ambient noise levels shall be expressed at $L_{Aeq} 1 \text{ hour}$.
- 12 Cement or concrete mixing is to be carried out a minimum of 10 metres from the edge of the canopy of each Oak tree. All fires are to be a minimum of 20 metres away.
- 13 Development shall not begin until the applicant has:
 - Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Prepared a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to, and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards;
 - Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to, and have received the written approval of the Local Planning Authority prior to commencing the works.
- 14 In the event of any contamination not previously identified or included in the 'Remediation Strategy' for the development site be found, then a revised 'Remediation Strategy' for that

qualified part of the development site shall be submitted to the Local Planning Authority for written approval, and then implemented in full prior to any further development of the contaminated area;

- 15 In the course of the development of the application site should contaminants be found in areas previously believed to be uncontaminated, then their remediation shall be carried out in line with the agreed 'Remediation Strategy', other than where a revised Remediation Strategy may be required to be prepared and submitted to the Local Planning Authority for written approval and implemented before any further development of that area is undertaken.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2, 3 In the interest of visual amenity.
- 4, 5 In the interest of highway safety.
- 6 & 7 In order to protect wildlife
- 8 In order to protect the local environment and prevent pollution
- 9-11 In the interest of ensuring that the noise levels at the site are reasonable.
- 12 In the interest of visual amenity and to retain on site and protect a feature of biodiversity and landscape importance and to preserve a satisfactory standard of local environment.
- 13-15 To ensure that contamination/pollution does not enter the local ecosystem

NOTES

- 1 Please note that this permission 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 permission 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 commencement if 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 conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 If the applicant intends to offer the proposed estate road for adoption to the highway Authority under Section 38 of the Highways Act 1980, then he is advised to contact the Authority's Highways Adoptions officer Mr Cliff Cleaton, at the earliest opportunity.
- 3 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 developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by him.

- 4 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.
- 5 No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.
- 6 It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.
- 7 Further advice and guidance from Dwr Cymru Welsh Water is contained within their correspondences dated 3 October 2012, appended to this permission.
- 8 Further advice and guidance from the Environment Agency is contained within their correspondence dated 3 July 2012 and 25 April 2013, appended to this permission.
- 9 Further advice and guidance from the Authority's Biodiversity Officer is contained within the correspondence dated 3 July 2013, appended to this permission.
- 10 The development hereby approved shall be carried out strictly in accordance with Drawing Numbers 257/11/P01 Rev B, 257/11/P02 Rev D, 257/11/P04 Rev D, 257/11/P30 Rev D, 257/11/P31 Rev D, 257/11/P32 Rev A, 257/11/P33 Rev D, 257/11/P34 Rev E, 257/11/P10, 257/11/P11, 257/11/P12, 257/11/P13, 257/11/P14, 257/11/P15, 257/11/P16, 257/11/P17, 257/11/P18, 257/11/P19, 257/11/P20, 257/11/P21, 257/11/P22, 257/11/P23, 257/11/P24, 10/218/03 and 10/218/02 Rev B, unless amended by any conditions above.
- 11 The applicant will be required to enter into a Section 106 Agreement to ensure the provision of the following:
 - The provision of 12 affordable homes on the application site
 - To provide a commuted sum of £10k plus £1,363 per dwelling with regard to parks and open space contributions.
- 12 As the proposed developments are situated in a primarily residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS 5228 Noise Vibration and Control on Construction and Open Sites.
- 13 If the authority receives a justified complaint with respect to the development, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas to determine whether noise arising from development exceeds the level specified in condition 11 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 11 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in the condition
- 14 All items of plant serving the buildings within the development area shall be adequately designed, installed and maintained to ensure that there are no distinctive tonal noise elements emitted from such items.
- 15 The applicant's attention is drawn to the existence of the public footpath 46/13 that runs along the eastern boundary of the application site
- 16 The applicant/agent's attention is drawn to the contents of the Authority's Public Health Services/Public Protection Division's comments to consultation, dated 23 April 2013 appended to this permission.

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 proposed development accords with policy GDC2, of the UDP in that the proposed dwellings represent an acceptable form of development which is appropriate to the character and appearance of the surrounding area, is of an acceptable design and will not have an unacceptable impact upon the residential amenity of nearby properties.
- The proposed development accords with policy GDC8 of the UDP in that the proposed development fits in acceptably with the existing topographical features.
- The proposed development accords with policy GDC9 of the UDP in that the proposed dwellings includes appropriate amenity and utility space proportionate to the scale, layout and location of the dwellings.
- The proposed development accords with policies GDC11, GDC12 and T3 of the UDP in that the proposed development provides an adequate access, parking and turning facilities and through mitigation, would not detrimentally affect the safety of other highway users or generate unreasonable levels of traffic.
- The proposal accords with policy GDC33 in that the development provides for 12 affordable dwellings and provides commuted sums of money for parks and open space benefits.
- The proposed development accords with policy H1 of the UDP in that the land is situated within the settlement limits for Llandoverly and is allocated for residential development within the secondary settlement. The proposal does not conflict with other policies within the plan and does not cause any highway, amenity or utility service provision objections.
- The proposal accords with policies EN13 and EN 14, in that the majority of existing trees and hedgerows that form the boundary of the application site are to be retained for the most part.
- 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 proposal complies with Policy UT12 of the UDP in that the proposed development does not pose an unacceptable risk to public health or the natural environment and does not adversely affect residential amenity.

DECISION DATE: 17/09/2014

SIGNED: _____



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