

TOWN AND COUNTRY PLANNING ACT 1990

Decision Notice

Full Planning Permission Granted

Applicant

Datblygau Davies Developments
C/O Cawdor Cars
New Road
Newcastle Emlyn
SA38 9BA

Application No: **PL/05898** registered on 23/05/2023 for:

Proposal:	Proposed redevelopment of the site to provide trade counter units for use classes A1, B1, B2, B8
Location:	Land part of former Penybont Farm, Cwmann, SA48 8DT
Application Type:	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.

Condition 1

The works hereby granted consent 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 in accordance with the following approved plans and documents:

- Site Location Plan [LP01]
- Proposed Site Plan [P02]
- Units 1- 3 Floor, Roof and Area Plan [P03]
- Units 1-3 Elevations and 3D images [P04]
- Units 4-5 Elevations and 3D Images [P05]

received 28 April 2023

- Flood Consequences Assessment by Francis Sant dated May 2018 [R/W/D/D/1728]
- Flood Consequences Assessment Addendum letter from Flume Consulting Engineers dated 15 May 2023 [1337]

received 16 May 2023

- Preliminary Ecological Appraisal by Soltys Brewster Ecology dated June 2023
- Transport Technical Note by Acstro dated June 2023

received 7 June 2023

- Landscape Strategy [LA1]
- Drainage Strategy Report by Cambria [CC2539-CAM-ZZ-XX-RP-C-0001]

received 5 July 2023

Reason: For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Condition 3

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

Construction methods: details of materials, how waste generated will be managed;

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and all construction phases of the development.

Reason : To ensure necessary management measures are agreed and implemented for the protection of the environment during construction in accordance with Policies SP14, GP1 and EQ4 of the Carmarthenshire Local Development Plan 2014.

Condition 4

Prior to commencement of the development herewith approved, a scheme for a pedestrian/cycle access route linking the site with the A482 along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be fully implemented prior to the first beneficial occupation of the development herewith approved.

Reason: In the interests of securing sustainable transport modes and highway safety in accordance with Policies GP1, TR3 and TR4 of the Carmarthenshire Local Development Plan 2014.

Condition 5

Prior to the commencement of development, a detailed scheme for a new bus stop and bus pull-in with associated infrastructure on the A482 to the specification of the Local Highway Authority shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be fully implemented prior to the first beneficial occupation of the development herewith approved.

Reason: In the interests of securing sustainable transport modes and highway safety in accordance with Policies GP1, TR3 and TR4 of the Carmarthenshire Local Development Plan 2014.

Condition 6

No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter to be implemented in full and as agreed.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 7

Before any development is commenced a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 8

No development shall take place until a detailed Delivery Management Plan is submitted for the written approval of the Local Planning Authority and thereafter to be implemented in full and as agreed.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 9

The access, visibility splays and turning areas shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 10

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 purpose of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 11

The vehicular access into the site shall at all times be left open, unimpeded by gates or any other barrier.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 12

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 A485 & A482 Road frontage within 2.4 metres of the near edge of the carriageway.

Reason: In the interests of highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 13

The units hereby approved shall only be used as trade counter units for use classes A1, B1, B2 and B8 and not for any other purpose.

Reason: To clarify the nature of the development in the interests of the living conditions of nearby residents and highway safety in accordance with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 14

The rating level of the noise emitted from the development hereby approved shall not exceed the existing background noise level. 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 and/or its subsequent amendments.

Reason: In the interests of the living conditions of nearby residents in accordance with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 15

At the written request of the Local Planning Authority, the operator within a period of 1 month shall undertake and submit to the authority a noise assessment conforming to BS 4142 and/or its subsequent amendments to determine whether noise arising from development exceeds the level specified in condition 14 above. The assessment shall be undertaken under the supervision of the Local Authority. In the event that Condition 14 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 14. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of the living conditions of nearby residents in accordance with Policy EP2 of the Carmarthenshire Local Development Plan 2014.

Condition 16

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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 complies with Policies SP1, SP2, SP3, SP14, EMP2, GP1, EP2, EP3, of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the site is located immediately adjacent to the established settlement boundary of Cwmann and would utilise previously developed land that already benefits from planning permission for its redevelopment for a retail use. The site is also located near to other commercial/employment uses. The proposal, by reason of its nature, scale, design appearance and siting is not considered to give rise to an unacceptable impact upon the character and appearance of the area nor the living conditions of nearby residents. The development incorporates sufficient access, parking and turning facilities to serve the development and is intended to provide linkages to other sustainable modes of transport. Sufficient information through submission of a landscape strategy has been provided to ensure that the development delivers net benefit for biodiversity and it has been concluded that the proposal would not have a significant effect on the River Teifi Special Area of Conservation. Flood mitigation measures incorporated within the development ensure that flood risk to the site and elsewhere is appropriately managed, including the provision of on-site sustainable drainage arrangements.

Note 1

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab. Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB.

Note 2

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.

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).

Note 4

This application has been determined within the scope of the delegated authority granted to the Head of Place & Sustainability by the Meeting of Carmarthenshire County Council on 9 February 2022 (Minute No 5.1 refers).

DATED: 04/09/2023

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.