

Town & Country Planning Act 1990

**APPROVAL OF VARIATION OF PLANNING
CONDITION**

SWALLOW PROPERTY DEVELOPMENTS
C/O AGENT

Application No: **E/38686** registered: 08/04/2019 for:

Proposal : VARY THE CONDITIONS OF OUTLINE PERMISSION E/21663 (RESIDENTIAL DEVELOPMENT COMPRISING 289 DWELLINGS WITH ROADS AND OTHER ASSOCIATED INFRASTRUCTURE, GRANTED 10.10.2014

Location : LAND AT TIRYCHEN FARM, DYFFREN ROAD, AMMANFORD,
CARMARTHENSHIRE

Carmarthenshire County Council HEREBY GRANT permission for development proposed by you in accordance with the application and plans previously approved, and subject to the following condition(s):-

CONDITIONS

- 1 Applications for approval of Reserved Matters for Phase 1 of the site's development hereby permitted must be made to the Local Planning Authority before the expiration of two years from the date of this outline planning permission reference E/38686, and applications for the approval of Reserved Matters for Phases 2 to 5 of the site's development hereby permitted must be made to the Local Planning Authority before the expiration of five years from the date of this outline planning permission reference E/38686. The site's development must be commenced no later than whichever is the later of the following:
 - a) The expiration of four years from the date of this outline planning permission reference E/38686.
 - b) The expiration of two years from the date of approval of the last of the Reserved Matters for Phase 1 of the site's development hereby permitted.
- 2 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 The development hereby permitted must be carried out in accordance with the following approved plans and particulars:
- a) 09-012/01B - Location Plan
 - b) 09-012/04B - Proposed Land Allocation
 - c) 09-012/05F - Planning Layout
 - d) 09-012/502C - Road Setting Out Plan
 - e) 09-012/511-1C - Tracking Diagrams for Refuse Vehicle Sheet 1 of 2
 - f) 09-012/511-2C - Tracking Diagrams for Refuse Vehicle Sheet 1 of 2
 - g) 09-012/PP01C - Phasing Plan
 - h) 002-0102-B - Proposed Dyffryn Road Access
 - i) Transport Assessment & Travel Plan (20 August 2009)
 - j) Planning, Design and Access Statement (August 2009)
 - k) SPD17000-03A - Tree Protection Plan
 - l) Arboricultural Implications Assessment ref. SPD17000AIA rev. A
 - m) Arboricultural Method Statement ref. SPD17000AMS rev. A
 - n) Tree Report ref. SPD17000TR rev. B
 - o) Woodland Management Plan ref. SPD17000WM
 - p) Woodland Report ref. SPD17000WR rev. A
 - q) Extended Phase 1 Habitat Survey and Desk Study rev. A
 - r) Mitigation Strategy ref. SPD17000MitStrat rev. A
 - s) Landscape and Visual Impact Assessment ref. SPD17000L&V rev. B
 - t) SPD17000 10a - Landscape Masterplan
 - u) Flood Consequence Assessment ref. R/09092/001
 - v) Welsh Language Impact Assessment (September 2009)

For the avoidance of doubt, the layout of the development hereby permitted is as set out on the Planning Layout 09-012/05F referenced under (c) above.

- 4 The development hereby permitted must be carried out in accordance with the numbered Phases in the numerical order shown on the Phasing Plan referenced 09-012/PP01C hereby approved, and no Phase of development shall commence until details and plans showing the scale and appearance of the proposed dwellings and the landscaping for that Phase have been submitted to and approved in writing by the Local Planning Authority.
- 5 No Phase of development hereby permitted shall commence until details and plans showing the finished floor/roof levels of the proposed dwellings on that Phase, together with cross sections through that Phase, have been submitted to and approved in writing by the Local Planning Authority. Such details must form part of any Reserved Matters application for each and every Phase of the site's development and the site's development must be carried out in accordance with those details approved.
- 6 Prior to its use by vehicular traffic, the new means of vehicular access hereby permitted into the site must be laid out and constructed with a 5.5 metre carriageway, 1.8 metre footways, and 6 metre kerbed radii at the junction with the C2130 Dyffryn Road.
- 7 The existing means of vehicular access into the site and located immediately east of the Nant y Ci Bridge, must be permanently stopped up and the public highway reinstated to the written approval of the Local Planning Authority, prior to the new means of vehicular access hereby permitted being brought into use.
- 8 The gradient of the vehicular access serving the development must not exceed 1 in 20 for the first 20 metres from the edge of the carriageway.
- 9 Prior to any use of the estate road by vehicular traffic, a visibility splay of 2.4 metres x 90 metres must be formed to either side of the centre line of the estate road in relation to the nearer edge of carriageway, and thereafter retained in perpetuity.

- 10 The parking and turning facilities shown on the Planning Layout referenced 09-012/05F hereby approved must be implemented prior to the first occupation of any dwelling on each and every Phase of development hereby permitted, and must thereafter be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities shall be obstructed by non-motorised vehicles.
- 11 Prior to the first occupation of any dwelling on each and every Phase of development hereby permitted, the required access roads and footpaths from the existing public highway in that Phase must be laid out and constructed strictly in accordance with the plans and particulars hereby approved, to at least the base course levels, and with the visibility splays provided.
- 12 No Phase of development hereby permitted shall commence until full details of all boundary treatments for that Phase have been submitted to and approved in writing by the Local Planning Authority.
- 13 No Phase of development hereby permitted shall commence until a detailed landscaping scheme for that Phase, including the retention of any existing landscape features and the indication of tree species, size and number of trees and/or shrubs to be planted, has been submitted to and approved in writing by the Local Planning Authority. Such details must form part of any Reserved Matters application for each and every Phase of the site's development and the scheme approved must be implemented in the first planting season following completion of that Phase of development, or at such other time as approved in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of a Phase of development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, and thereafter retained in perpetuity.
- 14 No phase of development hereby permitted shall commence until details to protect existing woodland and hedgerows proposed for retention in that phase or on the adjacent land identified within the blue line on the Site Location Plan drawing no. 09-012/UU01 Rev A, during construction operations have been submitted to and approved by the Local Planning Authority.
- 15 No Phase of development hereby permitted shall commence until a protective fence to BS5837 has been erected within that Phase in accordance with the Tree Protection Plan referenced SPD17000-03A hereby approved in the Tree Report prepared by ACD Arboriculture. The fence must be retained in situ for the construction period of that Phase. No development shall take place and no materials shall be stored within the protected area.
- 16 No Phase of development hereby permitted shall commence until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage for that Phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to the construction of any impermeable surfaces draining to this system.
- 17 No Phase of development hereby permitted shall commence until a scheme for the disposal of foul and surface water for that Phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented and commissioned for use prior to the first occupation of any dwelling on that Phase.
- 18 Prior to the commencement of development of Phases 1, 2 and 3 shown on the Phasing Plan referenced 09-012/PP01C hereby approved, details of a scheme for the provision and management of a buffer zone alongside the Nant y Ci watercourse for that Phase must be submitted to and approved in writing by the Local Planning Authority. The development of Phases 1, 2 and 3 must be carried out in accordance with the approved scheme for that Phase. Details of the scheme must include:

- a) Plans showing the extent and layout of the buffer zone
 - b) Details demonstrating how the buffer zone will be protected during development and thereafter managed and maintained; and
 - c) Details of any footpaths and fencing
- 19 No Phase of development hereby permitted shall commence until a Method Statement detailing all pollution prevention measures for the construction period of that Phase has been submitted to and approved in writing by the Local Planning Authority.
- 20 No Phase of development hereby permitted shall commence until a Construction Environmental Management Plan for that Phase has been submitted to and approved in writing by the Local Planning Authority. The development of that Phase must be carried out in accordance with the approved Construction Environmental Management Plan, which must include the required actions to safeguard the species and habitats identified on that Phase of development, including the timing of work.
- 21 No Phase of development hereby permitted shall commence until further ecological surveys have been undertaken and submitted to and approved in writing by the Local Planning Authority, to verify whether protected species such as Badger, Dormouse, Otter, Water Vole, Bat, Breeding birds, reptiles and/or invertebrates are present on that Phase of development. If the further ecological surveys identify the presence of any of the aforementioned protected species, no development shall commence until mitigation proposals (including method statements) have been submitted to and approved in writing by the Local Planning Authority.
- 22 No development shall commence until an Ecological Management Plan that details the co-ordination, conservation management and future monitoring of new and retained habitats (including a SAC protection plan) has been submitted to and approved in writing by the Local Planning Authority.
- 23 No development shall commence until details relating to a new bus stop facility on Dyffryn Road have been submitted to and approved in writing by the Local Planning Authority. The new bus stop facility shall thereafter be completed in accordance with the approved details prior to the first occupation of any dwelling on Phase 1 shown on the Phasing Plan referenced 09-012/PP01C hereby approved.
- 24 No Phase of development hereby permitted shall commence until a Travel Plan including a Welcome Pack for that Phase and setting out ways of reducing car usage and increasing walking and cycling to and from that Phase, has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan for that Phase must be implemented prior to the first occupation of any dwelling on that Phase. Bi-annual Travel Plan Surveys, meetings of the site's Travel Plan Coordinator, Travel Plan User Group and Travel Plan Resident Group must be carried out annually, starting once 25% of the total number of dwellings hereby permitted are occupied.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 The application is in outline only.
- 3 For the avoidance of doubt.
- 4-5 In the interest of visual amenity.
- 6-11 In the interest of highway safety.

- 12-15 In the interest of visual amenity and to retain on site and protect features of biodiversity and landscape importance and to preserve a satisfactory standard of local environment.
- 16-17 To reduce the risk of increased flooding and achieve a satisfactory form of drainage.
- 18 In the interests of protecting wildlife and to ensure the development does not adversely affect a European Protected Species.
- 19 For the protection and enhancement of water quality
- 20-22 In the interests of protecting wildlife and to ensure the development does not adversely affect a European Protected Species.
- 23 To secure appropriate improvements to the highway network.
- 24 In the interest of sustainability.

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.

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework
- It is considered that the proposal complies with Policy SP4 of the LDP in that it will ensure that a strategic site is developed in an appropriate manner thus contributing to the implementation of the LDP strategy
- It is considered that the proposal complies with Policy SP5 of the LDP in that it involves the development of a housing allocation in an appropriate manner
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means
- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure
- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted

- It is considered that the proposal complies with Policy GP2 of the LDP in that the site is located within the defined settlement limits of the growth area of Ammanford.
- It is considered that the proposed development complies with policy GP1 of the LDP in that the development conforms with and adds to the character and appearance of the site. It secures existing landscape features and would not have an unacceptable impact upon the amenity of adjacent land uses or the residents of the properties. The proposal provides suitable accesses which does not give rise to parking or highway safety issues and provides for the satisfactory generation, treatment and disposal of surface and foul water
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development
- It is considered that the proposed development complies with policy H1 of the LDP in that the proposal accords with the principles of the plan's strategies, policies and proposals
- It is considered that the proposed development complies with policy AH1 of the LDP in that the residential development makes a contribution to the affordable housing fund in line with the adopted policy and Supplementary Planning Guidance.
- It is considered that the proposal complies with Policy TR1 of the LDP in that the proposal does not restrict traffic movement or compromise safety of the primary road network
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in an accessible and sustainable location
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance
- It is considered that the proposal complies with Policy EQ5 of the LDP in that the proposal does not adversely affect ecological corridors, networks and features of distinctiveness
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues
- It is considered that the proposal complies with Policy REC2 of the LDP in that sufficient on-site open space is provided.

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 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)
- 3 The applicant has entered into a Section 106 Agreement to ensure provision of the following:
 - a) Ten (10) Affordable Dwellings on each of Phases 1 to 3 of the site's development shown on the Phasing Plan referenced 09-012/PP01C contained in the Section 106 Agreement.
 - b) An extension to the cemetery car park on land edged with a green line shown on the Location Plan referenced 09-012/UU01 Rev A contained in the Section 106 Agreement, prior to the first occupation of Phase 1 shown on the Phasing Plan referenced 09-012/PP01C.
 - c) Payment of a £99,620 financial contribution upon commencement of the development of Phase 1 shown on the Phasing Plan referenced 09-012/PP01C, to deliver and/or facilitate delivery of the following:
 - i. Provision of traffic calming features on Dyffryn Road, as generally shown on the Proposed Dyffryn Road Access Plan referenced 002-0102-B contained in the Section 106 Agreement.
 - ii. Improvements to the existing footways on Dyffryn Road.
 - iii. Provision of improvements to the Active Travel Network and its links to nearby facilities.
 - iv. Provision of capacity improvements to the A483/Station Road junction, Station Road/Lon Tir y Dail junction and Capel Hendre Crossroads in Ammanford.
 - d) Implementation of the arrangements for managing the woodland on land edged with a blue line shown on the Location Plan reference 09-012/UU01 Rev A; and a scheme to enhance public access to, and enjoyment of the woodland, as generally described in the application's approved Woodland Management Plan ref. SPD17000WM. To be completed prior to the first occupation of Phase 5 shown on the Phasing Plan referenced 09-012/PP01C.
 - e) The provision of Local Areas of Play (LAPs) in Phases 2 and 4 shown on the Phasing Plan referenced 09-012/PP01C, prior to the first occupation of those Phases.
 - f) Payment of a £179,000 financial contribution towards the provision or improvement of educational facilities in the vicinity of the application site. Paid in five equal installments of £35,800 upon commencement of each Phase of development shown on the Phasing Plan referenced 09-012/PP01C.

- 4 The Affordable Dwellings shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Technical Advice Note No.2 or any future guidance that replaces it. The scheme shall include:
- The type, tenure and location of the Affordable Dwellings;
 - The timing of the construction of the Affordable Dwellings and their phasing in relation to the occupancy of market housing;
 - The arrangements for the transfer of the Affordable Dwellings to an affordable housing provider;
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Dwellings; and
 - The occupancy criteria to be used for determining the identity of occupiers of the Affordable Dwellings and the means by which such occupancy criteria shall be enforced.
- 5 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).

DATED: 08/10/2019

SIGNED: *Julian Edwards*

Development & Built Heritage Manager
for and on behalf of
LLINOS QUELCH, BA (Hons), MSc, MRTPI
HEAD OF PLANNING