

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Davies Homes c/o Mr Liam Griffiths Asbri Planning Ltd. Unit 9 Oak Tree Court Cardiff Gate
Business Park

WHEREAS you submitted an application on the 28th February 2023 to develop: Dragon Park Abercanaid
Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Davies Homes
7 Gelliwastad Road
Pontypridd
CF37 2BP

Description of Proposed Development

Residential development (200 units), engineering works,
access formation, landscape, drainage and associated
works (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 21st July 2023

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

CONDITIONS

- 1 The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Planning Layout Drawing No. PL-01 Rev 12
Affordable Homes Plan Drawing No. AFH-01 Rev B
Open Space Plan Drawing No. OSP-01 Rev B
Parking Strategy Plan Drawing No. PS-01 Rev B
Storey Heights Plan Drawing No. SH-01 Rev B
House Finishes Plan Drawing No. HF-01 Rev B
External Works Layout EW-01 Rev B, EW-02 Rev B & EW-03 Rev B
Refuse Strategy Plan Drawing No. RS-01 Rev B
Drainage Strategy (5 of 5) Drawing No. 21566-C-015-C
Drainage Strategy (4 of 5) Drawing No. 21566-C-014-C
Drainage Strategy (3 of 5) Drawing No. 21566-C-013-C
Drainage Strategy (2 of 5) Drawing No. 21566-C-012-C
Drainage Strategy (1 of 5) Drawing No. 21566-C-011-C
DCWW Easement Extent 21566-SK-910-A
External Layout (2 of 2) Drawing No. 21566-C-003-C
External Layout (1 of 2) Drawing No. 21566-C-002-C
Road plan sections and details (BMQ-JBAU-XX-XX-DR-C-0010 Rev. P03)
Road Section (BMQ-JBAU-XX-XX-DR-C-0011 Rev. P03)
Site Entrance (BMQ-JBAU-XX-XX-DR-C-0012 Rev. P01)
Outfall plan (BMQ-JBAU-XX-XX-DR-C-0020 Rev. P02)
Road and Outfall Elevation (BMQ-JBAU-XX-XX-DR-C-0021 Rev. P02)
Sections Through Site 21566-C-020-0
1 Bed Affordable Flat Drawing No. 211-AF-01
2 Bed 4 Person Affordable House Semi Detached Drawing No. 421-AF-01 Rev A
2 Bed 4 Person Affordable House Terraced Drawing No. 421-AF-02 Rev A
Windermere House Type Drawing No. WIN-03
FOG Flat Over Garage Drawing No. FOG-01
Harrowgate House Type As Handing Drawing No. HAR-01
Harrowgate House Type Opposite Handing Drawing No. HAR-02
Hereford House Type As Handing Drawing No. HER-01
Hereford House Type Opposite Handing Drawing No. HER-02
Knightsbridge House Type As Handing Drawing No. KNI-01
Knightsbridge House Type As Handing - Special Drawing No. KNI-02
Lynton House Type As Handing Drawing No. LYN-01
Lynton House Type Opposite Handing Drawing No. LYN-02
Lynton House Type As Handing - Special Drawing No. LYN-03
Radleigh house Type As Handing Drawing No. RAD-01
Radleigh House Type Opposite Handing Drawing No. RAD-02
Radleigh House Type Opposite Handing Special Drawing No. RAD-03
Raglan House Type Drawing No. RAG-01 Rev A
Raglan House Type Terrace Drawing No. RAG-02

Rockfield House Type As Handing Drawing No. ROC-01
Rockfield House Type Opposite Handing Drawing No. ROC-02
Warwick House Type Drawing No. WAR-01 Rev A
Warwick House Type Terrace Drawing No. WAR-02
Windermere House Type Detached As Handing Drawing No. WIN-01
Windermere House Type Detached Opposite Handing Drawing No. WIN-02
1 Bed Apartment Building Ground, First & Second Floor Plans Drawing No. APT-01
1 Bed Apartment Building Elevations Drawing No. APT-02
Ascot House Type Drawing No. ASC-01
Canterbury House Type Drawing No. CAN-01
Chepstow House type Detached as Handing Drawing No. CHE-01
Chepstow House Type Detached Opposite Handing Drawing No. CHE-02
Chepstow-Rockfield House Type Semi Pair Drawing No. CHE-ROC-01
Cottage House Type As Handing Drawing No. COT-01
Cottage House Type Opposite Handing Drawing No. COT-02
External Details 1800mm Close Board Fence Drawing No. 2124-D02
External Details 1800mm Close Board Gate Drawing No. 2124-D03
External Details Stack Bond Screenwall Drawing No. 2124-D05
External Details Hit & Miss Flemish Bond Screenwall Drawing No. 2124-D06
Garage Planning Drawings Sheet 2 - Drawing No. G1-PL-02
Garage Planning Drawings Sheet 1 - Drawing No. G1-PL-01
Timber Crash Barrier Detail
Coal Mining Risk Assessment (Integral Geotechnique - February 2023) and additional letter dated 28th April 2023
Transport Assessment (Lime Transport -15th February 2023)
Landscape, Biodiversity & Amenity Strategy 577.01/B (Catherine Etchell Associates - August 2022)

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

- 3 **Prior to the occupation of any dwelling** a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing, as illustrated on Affordable Homes Plan (Drawing No. AFH-01 Rev B), shall be provided in accordance with the approved scheme and shall only be used for affordable housing purposes in accordance with the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason - To ensure an appropriate level of affordable housing is delivered in accordance with Policies SW2, SW9 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 Prior to the commencement of development of any dwelling, hereby permitted, a detailed scheme of landscaping, in accordance with the approved Landscape, Biodiversity & Amenity Strategy (Catherine Etchell Associates - August 2022) and including a planting scheme (with continuous hedge) along the entire eastern River Taff boundary shall be submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason - In the interests of biodiversity and to ensure that the new development will be visually attractive and to accord with Policies ENW1, EnW2, EnW3 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a phasing plan which has, before any dwelling is occupied, first been submitted to and approved in writing. If any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - In the interests of biodiversity and to ensure that the new development will be visually attractive and to accord with Policies ENW1, EnW2, EnW3 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 **Prior to the commencement of development of any dwelling**, a detailed 25 year Landscape and Ecological Management Plan (LEMP), including management responsibilities and maintenance schedules for all landscaped and habitat areas shall be submitted to and approved in writing by the local planning authority. The LEMP must include:

- Details for the protection, management and enhancement of all retained, translocated and existing onsite habitat, including, but not limited to habitat along the riparian corridor, marshy grassland and pond habitat.
- Maintenance and enhancement of biodiversity needs to be demonstrated in a quantitative way.
- Details (including specifications and positions) of 'integrated' bat and bird boxes in the proposed new housing stock. All relevant site plans and elevations will include the positions of the boxes. A range of sizes and types will be installed, for different types of bat roosts (e.g., winter hibernation, summer maternity) and for a range of bird species (e.g., starlings, house sparrows, swifts).
- A reptile mitigation strategy for site clearance of suitable habitat will be required to include enhancement measures suitable for reptiles. Reptile enhancement measures will be marked on all relevant site plans.

The LEMP shall be carried out as approved.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to protect the natural environment in accordance with Policies SW11, EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 7 Prior to the occupation of any dwelling, hereby permitted, details and siting of the play facilities (as outlined in the approved Landscape, Biodiversity & Amenity Strategy - Catherine Etchell Associates - August 2022) and a phasing plan for the provision of the open space/recreation areas/foot paths/cycle paths and play facilities, along with a 25 year management and maintenance plan, shall be submitted to and approved in writing by the local planning authority. The approved play facilities and open space/recreation/foot paths/cycle paths areas shall be provided in accordance with the approved details and phasing plan and thereafter managed and maintained for that purpose.

Reason - To ensure that adequate open space/recreation area is provided in accordance with policies SW10 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 Before any dwelling hereby permitted is occupied, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason - To ensure the necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination. To accord with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. To accord with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 10 **Prior to the occupation of the dwellings**, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority. The details shall include:

- Details of the siting and type of all external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular the River Taff corridor, all retained vegetation surrounding the site, and the proposed new SUDS pond to the south.

The lighting scheme shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 11 **No works shall commence**, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and monitor the emission of dust and dirt during demolition and construction;
- vii) details of how the development will avoid, minimise or mitigate effects on the environment, both onsite and in the surrounding area, including for example, the retained onsite habitat, the riverside buffer and the Afon Taf SINC.
- viii) details of temporary construction lighting (including light spillage details).

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment in accordance with Policies EnW1, EnW2, EnW3 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 11 discharged on 05.08.24 App No. P/23/0191.

- 12 Prior to the construction any dwelling, hereby approved, details/samples of the following shall be submitted to and approved in writing by the local planning authority:

- External facing brick and roof tiles (samples).
- The proposed fencing along the eastern boundary adjacent to the River Taff.
- Cycle parking/storage facilities (as shown on Parking Strategy Plan: Drawing 2124/PS-01/B).
- Refuse collection areas.

Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 13 Before the occupation of the 100th dwelling, hereby permitted, the emergency access to the north of the site shall be constructed in accordance with details and a methodology which have first been submitted to and approved in writing by the local planning authority. The emergency access shall be retained thereafter in accordance with the approved details.

Reason - In the interests of highway/pedestrian safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls (other than any hereby permitted) shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house.

Reason - In the interests of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 15 Notwithstanding the provisions of Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no roof enlargements and/or dormer windows shall be constructed on any dwelling.

Reason - In the interests of visual and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 **Prior to the commencement of development (other than remediation works)**, details of a scheme for the provision of electric vehicle charging infrastructure (to be provided within the site), shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings.

Reason - To encourage the use of ultra low emission vehicles, in accordance with Planning Policy Wales 11th Edition and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 17 **No development or site clearance shall take place**, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rosa canina*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

Condition 17 discharged on 05.08.24 App No. P/23/0191.

- 18 The parking spaces and garages as illustrated on the Parking Strategy Plan (Drawing 2124/PS-01/Rev B) shall be constructed prior to the occupation of the dwellings and shall be retained for such purposes at all times thereafter.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 19 **Prior to the commencement of development (other than remediation works)** details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 20 Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1400 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 21 **Prior to the occupation of any dwelling**, in those areas identified on the submitted Mining Risk Zones and Mitigation Plan (Figure 5) prepared by Integral Geotechnique that requires remedial works and/or mitigation measures, a signed statement or declaration prepared by a suitably competent person, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by local planning authority. This document shall confirm the completion of the works necessary to address the risks posed by past coal mining activity.

Reason - To ensure, in the interest of safety, that appropriate mitigation/remedial measures are in place to address any ground stability concerns and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 22 **No development shall commence** on the area within the 14m easement of the 24" strategic watermain as shown on plan 'DCWW Easement Extent 21566-SK-910-A' until a scheme to protect the structural condition of the 24" strategic watermain crossing the site has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development the easement shall be marked out. The scheme shall provide for any protection measures during construction and occupation phases of the development. The scheme shall demonstrate the distance and relationship of the proposed development with the asset crossing and include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the main with required easement to be contained wholly within public open space. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Replacement Local Development Plan 2016-2031.

Condition 22 discharged on 05.04.24 App No P/24/0015.

- 23 No development shall commence on the areas within the easements of the combined sewers as shown on plan 'Planning layout ref. PL-01 Rev. 12' until a scheme to protect the structural condition of the combined sewers crossing the site has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development the easements shall be marked out. The scheme shall provide for any protection measures during construction and occupation phases of the development. The scheme shall demonstrate the distance and relationship of the proposed development with the sewers crossing and include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the sewers with required easement to be contained wholly within public open space. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason - To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Replacement Local Development Plan 2016-2031.

Condition 23 discharged on 05.04.24 App No P/24/0015.

- 24 No development shall commence, other than site remediation works, until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, to ensure no pollution of or detriment to the environment and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Replacement Local Development Plan 2016-2031.

- 25 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, to ensure no pollution of or detriment to the environment and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Replacement Local Development Plan 2016-2031.

INFORMATIVES

1. Land Contamination

Natural Resources Wales recommends that developers should:

- Follow the risk management framework provided in Land contamination risk management (LCRM)
- Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our groundwater protection advice on www.gov.uk

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.