

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: Lovell Partnerships Ltd c/o JLL F.a.o. Miss K Williams 1 Kingsway Cardiff CF10 3AN

WHEREAS you submitted an application on the 24th November 2017 to develop: Former Colliery Site Nixonville Merthyr Vale Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Lovell Partnerships Ltd
F.a.o. Mr S Jay
C/o Agent

Description of Proposed Development

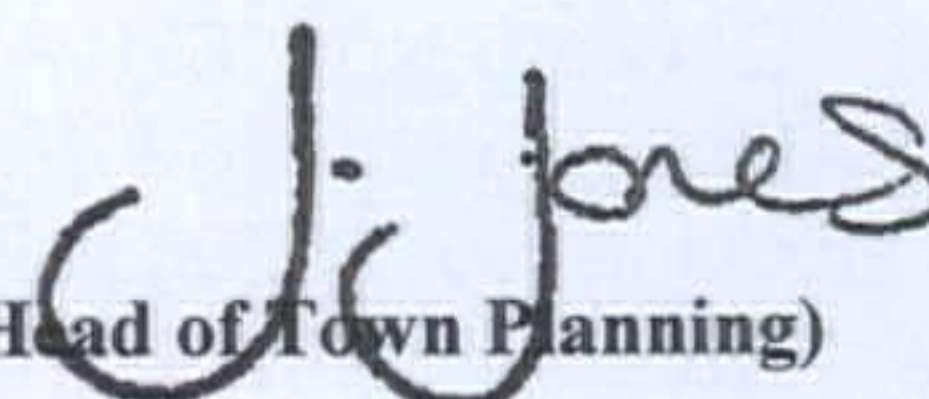
Residential development of 153 units (Full)

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: 31st January 2018 Signed:


(Head of Town Planning)

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:

- Location Plan Drawing No. 1620/LP01
- Application Planning Layout Drawing No. 1620/PL-01
- External Works Layout Drawing No. 1620 EWL-01
- House Finishes Layout Drawing No. 1620 HFL-01
- H1282 - Drawing No. 1620/DS/1282/01/A
- H1282 - Drawing No. 1620/DS/1282/02/A
- H1243 - Drawing No. 1620/DS/1243/01/A
- H1243 - Drawing No. 1620/DS/1243/02/A
- H1243 - Drawing No. 1620/DS/1243/03/A
- H1208 - Drawing No. 1620/DS/1208/01
- H1208 - Drawing No. 1620/DS/1208/02
- H912 - Drawing No. 1620/DS/912/01/B
- H912 - Drawing No. 1620/DS/912/02/B
- H897 - Drawing No. 1620/DS/897/01
- H897 - Drawing No. 1620/DS/897/02
- H861 - Drawing No. 1620/DS/861/01/A
- H861 - Drawing No. 1620/DS/861/02/A
- H663 - Drawing No. 1620/DS/663/01/A
- H663 - Drawing No. 1620/DS/663/02/A
- AFF - 2.1.1 - Drawing No. 1620/AFF/2.1.1/01/B
- AFF - 4.2.1 - Drawing No. 1620/AFF/4.2.1/01/A
- AFF - 4.2.1 - Drawing No. 1620/AFF/4.2.1/02/A
- AFF - 5.3.1 - Drawing No. 1620/AFF/5.3.1/01/A
- AFF - 5.3.1 - Drawing No. 1620/AFF/5.3.1/02/A
- AFF - 7.4.1 - Drawing No. 1620/AFF/7.4.1/01/A
- Garages - Drawing No. 1620/GAR/01
- Landscape Strategy Drawing No. 1623-URB-XX-XX-GA-90 Drawings 1,2 and 3 revision C
- Landscape Management Plan (January 2018)
- Transport Assessment (June 2017)
- External works (November 2017)
- Site Investigation Report (Integral Geotechnique Sept 2016) and additional letter dated 20th December 2017.
- Flood Consequence Assessment (Jubb - January 2018).
- Preliminary Ecological Appraisal (SLR - April 2017).

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

- 3 The proposed residential units (highlighted with a red circle on approved drawing 1620/PL-01) shall only be used for affordable housing purposes in accordance with the definition of affordable housing as set out in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The residential units shall be affordable for both the first and subsequent occupiers.

Reason - To ensure the residential properties are only used for affordable housing in accordance with policy AS22 of the Merthyr Tydfil Local Development Plan.

- 4 Prior to the occupation of the 85th dwelling, the informal open spaces, pedestrian /cycle links and works to retain and enhance the existing native vegetation (highlighted as 1, 2 and 5 on the approved Landscape Strategy Plan (Landscape Strategy Drawing No. 1623-URB-XX-XX-GA-90 Drawings 1,2 and 3 revision C) and to the east of the main estate road) shall be completed in accordance with the approved Landscape Management and Maintenance Plan (January 2018) and details of the 'pocket parks' and pedestrian/cycle links which have first been submitted to and approved in writing by the local planning authority. The completed scheme shall be managed and maintained thereafter in accordance with the approved Landscape Management and Maintenance Plan (January 2018).

Reason - To ensure that adequate open space/recreation area is provided in accordance with policy BW17 of the Merthyr Tydfil Local Development Plan.

- 5 All planting and seeding comprised in the approved details of landscaping (Landscape Strategy Drawing No. 1623-URB-XX-XX-GA-90 Drawings 1,2 and 3 revision C) shall be carried out in the first planting and seeding seasons following the completion of each phase of the development; and any trees or plants which within a period of 5 years from the completion of the each phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The phasing of the development shall be submitted to and agreed in writing by the local planning authority before the construction of any dwelling. The completed scheme shall be managed and maintained in accordance with the approved Landscape Management and Maintenance Plan (January 2018).

Reason - To ensure that the development will be visually attractive in the interests of amenity and to protect the habitat of foraging bats in accordance with policies BW5 and BW7 of the Merthyr Tydfil Local Development Plan.

- 6 **No development shall commence** until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

Condition 6 discharged on 30.10.19 - App. No. P/19/0190.

- 7 Notwithstanding the submitted plans, **no development shall commence** until details of existing ground levels and proposed finished ground and floor levels (including relevant

sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and residential amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

Condition 7 discharged on 30.5.18 - App No. P/18/0083.

- 8 **No development shall commence** until details of a temporary footpath/cycle link(s) from the railway footbridge, to the east of the site, to Golwg Yr Afon have been submitted to and approved in writing by the local planning authority. The temporary footpath/cycle link(s) shall be provided in accordance with the approved details and for a timescale which has first been submitted to and agreed in writing by the local planning authority before the commencement of development.

Reason - To ensure to existing pedestrian route is maintained during the construction of the development in accordance with Policy BW12 of the Merthyr Tydfil Local Development Plan.

Condition 8 discharged on 30.5.18 - App No. P/18/0083.

- 9 **No development shall commence**, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement 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;
- v) wheel washing facilities; and
- vi) measures to control the emission of dust and dirt during demolition and construction.

Reason - In the interest of residential and visual amenity and highway safety in accordance with policies BW7 and BW12 of the Merthyr Tydfil Local Development Plan.

Condition 9 discharged on 30.5.18 - App No. P/18/0083.

- 10 **No development shall take place** until 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 BW7 of the Merthyr Tydfil Local Development Plan.

- 11 The pumping station shall not be constructed until details (including safety enclosure) have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development will be visually attractive in the interests of amenity and in accordance with policy BW7 of the Merthyr Tydfil Local Development Plan.

- 12 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 BW7 of the Merthyr Tydfil Local Development Plan.

- 13 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 shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house.

Reason - In the interests of visual amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

- 14 **Prior to the commencement of development** (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Condition 14 discharged on 30.5.18 - App No. P/18/0083.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason - To protect the water environment and so as to accord with Policy BW18 of the Merthyr Tydfil Local Development Plan.

- 15 **Prior to commencement of development**, a verification report demonstrating completion of the 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 any plan (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, and for the reporting of this to the local planning authority.

Reason - To protect the water environment and so as to accord with Policy BW18 of the Merthyr Tydfil Local Development Plan.

Condition 15 discharged on 30.5.18 - App No. P/18/0083.

- 16 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the water environment and so as to accord with Policy BW18 of the Merthyr Tydfil Local Development Plan.

- 17 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 the developer has submitted to, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To protect the water environment and so as to accord with Policy BW18 of the Merthyr Tydfil Local Development Plan.

NOTES

Your attention is drawn to the following:-

Appeals to the Welsh Government:

- 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 Welsh Government 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 The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use the Planning Inspectorate website (<https:acp.planninginspectorate.gov.uk>) to complete your appeal.
- The Welsh Government 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 Welsh Government 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 Welsh Government 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 the Welsh Government 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.