

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)

OUTLINE PLANNING PERMISSION

To: Mr A Lockley c/o Mr Jon Tweddell Jon Tweddell Planning Ltd Coble Quay Amble
Northumberland NE65 0FB

WHEREAS you submitted an application on the 20th December 2023 to develop: Phelps Roofing and Garage Bryntaf Aberfan Merthyr Tydfil CF48 4PJ short particulars of the application being as follows:-

Name of the Applicant

Mr A Lockley
5 Park View
Newport Pagnell
Milton Keynes
MK16 9AD

Description of Proposed Development

Demolition of industrial buildings and erection of 20 no.
dwelling houses (C3 use) (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS OUTLINE PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans submitted with the application, subject to the following condition(s),

CONDITIONS

Please see attached sheet.

Date: 8th May 2025

Signed:



(Director of Neighbourhood Services)

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

CONDITIONS

- 1 Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

- 3 **In conjunction with the submission of the reserved matters**, details of proposed site levels of any landscaped areas and the proposed finished ground and floor levels of the dwellings, including section details of the development in relation to the neighbouring properties shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 4 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

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

Drawing Title: Site Layout, Drawing A100, Rev A, Received 24/04/2025

Scale parameters as shown on Drawings:

- Proposed Elevations, Drawing ref. A202, Rev A, received 31/05/2025
- Proposed Elevations, Drawing ref. A102, Rev A, received 08/04/2025
- House Type 2 Proposed Elevations - Pair, Drawing ref. A206, received 24/04/2025
- House Type 2 Proposed Elevations, Drawing ref. A204, Rev C, received 24/04/2025

Preliminary Ecological Appraisal. Bryntaf Garage. Sylvan Ecology (for JT Planning). Document number J M050-PEA Report-V1.1. Issue Date 15/10/21.

Protected Species Report. Bryntaf Garage. Sylvan Ecology (for JT Planning). Document number M050- Eco Report-V1.1. Issue date 15/10/21.

Acer Ecology letter/report, dated 28/03/2025

Coal Mining Risk Assessment FWS Geotechnical & Geoenvironmental Consultants Document number 3960OR01/March 2021

Transport Statement itransport Planning

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

- 6 **Prior to the construction of the dwellings** hereby approved samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. 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.

- 7 **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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 **Before works commence on site** details of the access road and footways surfacing material shall be submitted to and approved in writing by the Local Planning Authority. The proposed access road and footways shall be constructed in accordance with the approved details and completed up to base course level prior to the occupation of any dwelling and fully completed (wearing course level) prior to the occupation of the last dwelling, hereby approved.

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

- 9 No surface water run-off from the private or public areas of the proposed development shall discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of highway safety and to prevent over capacity of the existing highway drainage system and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 10 **No development shall commence until** the following components of a scheme to deal with the risks associated with contamination at the site, have been 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 results of the site investigation and the detailed risk assessment referred to in (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.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason - To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where 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.

- 11 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.

- 12 **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 13 **Prior to the commencement of any development works** a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority.

Following completion of an approved monitoring scheme, in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site.

Reason - In the interest of health and safety and environmental amenity and to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 **No development shall commence**, including any works of demolition, 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) the management of vehicular and pedestrian traffic along the site boundary;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during demolition and construction; and
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and to accord with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 15 **No development shall commence** until details of a scheme for the disposal of foul 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 prior to the beneficial use of the development and retained in perpetuity.

Reason - To ensure adequate disposal of foul drainage in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 **Prior to works commencing on site**, in accordance with the recommendations of the Preliminary Ecological Appraisal details for the provision of gaps for passing of hedgehogs, 6 integrated bat boxes and 6 integrated bird boxes together with details of their location

within the site, shall be submitted to and approved in writing by the local planning authority. The hedgehog gaps, integrated bat and integrated bird boxes shall be installed in accordance with the approved details prior the occupation of any dwelling.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 17 **Prior to the occupation of any dwelling hereby approved**, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the dwelling is occupied.

Reason - In the interest of the visual amenity of the area and the privacy of occupiers of adjoining properties.

- 18 **Prior to the occupation any dwelling**, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:

- horizontal and vertical illuminance plans demonstrating dark corridors/routes to be maintained, together with dark routes for access to any bat boxes;
- details of the siting and type of external lighting to be used together with the proposed colour temperatures;
- Isolux drawings setting out the light spillage in key sensitive areas;

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.

- 19 **Prior to the demolition of any building on site**, a method statement for the demolition works shall be submitted to and approved in writing by the local planning authority. The method statement will incorporate:

- the measures recommended in the approved report Acer Ecology letter/report, for the use of an endoscopic check of the buildings by a suitably qualified ecologist,
- a tool-box talk by a suitably qualified ecologist to any persons involved in the demolition of the buildings; and
- the removal/demolition of the building by hand and under the supervision of a qualified ecologist.

If bats are discovered during this inspection or during demolition, all work will immediately cease and any further work will take place in accordance with the appropriate Protected Species Licence where required.

Reason - To provide protect biodiversity in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 20 All planting, seeding or turfing comprised in the approved details of landscaping (including the wildflower area) shall be carried out in the first planting and seeding seasons following

the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 - To ensure that the new development will be visually attractive and provides biodiversity environmental enhancements in the interests of amenity and to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 21 Demolition and construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 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 Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 22 The parking spaces as illustrated on the Site Layout Plan (Dwg No. A100) 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.

INFORMATIVES

1. The developer's attention is drawn to advice provided by Dwr Cymru/Welsh Water in their letter dated 11 January 2024.
2. The Developer would be required to enter into legally binding agreements (S38 and S278 of Highways Act 1980) to secure the proper design and implementation of the proposed works to the existing highway and the internal roads, footways and highway drainage, including an appropriate bond and fees.
3. The developer's attention is drawn to the Mining Remediation Authority note in respect of condition 13: 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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 the Planning Inspectorate website (www.gov.wales/planningappeal) to complete your appeal.
- 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.
- 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, 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