

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: Mr Leon Williams c/o Geraint Jones Asbri Planning Ltd. Unit 9 Oak Tree Court Cardiff Gate
Business Park

WHEREAS you submitted an application on the 10th June 2024 to develop: Cefn Isaf Flats Pontycapel Road Cefn Coed Merthyr Tydfil CF48 2RA short particulars of the application being as follows:-

Name of the Applicant

Mr Leon Williams
Merthyr Valleys Homes
Ty Brychan
22 Heol Lansbury
Gellideg

Description of Proposed Development

Redevelopment of site involving the demolition of existing buildings and construction of new buildings to accommodate 40 No. residential flats, parking, landscaping, sub-station, bin store, air source heat pump, engineering works, drainage, roof top solar provision 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: 14th November 2024

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:

Dwg (04)111 P07 - Proposed Landscaping Plan

Dwg (04)110 P06 - Proposed Site Plan

Dwg (20)205 P04 - Roof Plan

Dwg (20)105 P04 - Roof Plan

Dwg (20)204 P04 - Third Floor Plan

Dwg (20)104 P04 - Third Floor Plan

Dwg (20)203 P04 - Second Floor Plan

Dwg (20)103 P04 - Second Floor Plan

Dwg (20)202 P04 - First Floor Plan

Dwg (20)102 P04 - First Floor Plan

Dwg (20)201 P04 - Ground Floor Plan

Dwg (20)101 P04 - Ground Floor Plan

Dwg (20)200 P04 - Lower Ground Floor Plan

Dwg (20)100 P04 - Lower Ground Floor Plan

Dwg (20)251 P05 - Block B Elevations

Dwg (20)250 P05 - Block A Elevations

Dwg (20)220 P04 - Sections 01

Dwg (20)121 P04 - Proposed Site Sections 02

Dwg (20)120 P04 - Proposed Site Sections 01

Dwg (20)150 P04 - Proposed Street Scenes

Dwg(04)112 P04 - Proposed Access Plan

Dwg (04)113 P06 - Proposed Boundary Treatment Plan

Dwg (04)115 P05 - Proposed ASHP Enclosure

Dwg (04)116 P05 - Proposed Substation

Dwg (04)114 P04 - Proposed Bin Store

Dwg (20)405 P04 - Home Layout Plan 06

Dwg (20)404 P04 - Home Layout Plan 05

Dwg (20)403 P04 - Home Layout Plan 04

Dwg (20)402 P04 - Home Layout Plan 03

Dwg (20)401 P04 - Home Layout Plan 02

Dwg (20)400 P04 - Home Layout Plan 01

Bat Survey Report (JM1921 11 September 2024)

Preliminary Ecological Appraisal (JM1921 August 2024)

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

- 3 **Prior to any construction works commencing on site** (other than demolition) details/samples of the materials to be used in the construction of the external surfaces of the blocks of flats, ASHP Enclosure and Bin Store 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.

Condition 3 discharged on 11.09.2026 - App No. P/25/0241.

- 4 **Prior to any construction works commencing on site** (other than demolition) details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height shall be 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.

Condition 4 discharged on 11.09.2026 - App No. P/25/0337.

- 5 **Prior to the occupation of the flats** hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected, including any safety barriers, shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved prior to the occupation of the dwellings.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 **Before any demolition or site clearance works commences on site**, a Non-native Invasive Species Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Non-native Invasive Species Strategy shall be fully implemented in accordance with the approved details prior to the commencement of any works.

Reason - To prevent the spread and ensure the eradication of a highly invasive species to accord with Policy EnW4 of the Merthyr Tydfil County Borough Replacement Local Development Plan.

Condition 6 discharged on 07.03.25 App No. P/25/0038.

- 7 **No development shall commence**, including any demolition and site clearance works, until a Construction Environment Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the demolition and construction phases and shall provide for:

- i) the parking of vehicles of site operatives and visitors within the site;
- 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 the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from the construction works.
- viii) details of any external lighting during construction

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

Condition 7 partially discharged on 26.06.25 App No. P/25/0039.

- 8 **Prior to any construction works commencing on site** (other than demolition), a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a plan illustrating areas of onsite landscaping, habitats and green infrastructure to be retained, protected and enhanced;
- details of the ecological mitigation and enhancements measures i.e. bat boxes, bird boxes, hibernacula and gaps in boundaries for hedgehogs;
- a management plan for the monitoring and maintenance of all onsite landscaping, habitat, green infrastructure and ecological measures;
- details of the funding mechanisms to meet the maintenance, management and monitoring objectives;
- an implementation programme including the phasing of works; and
- details of the qualified person who will provide ecological supervision.

The development 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.

Condition 8 discharged on 07.03.25 App No. P/24/0278.

- 9 **No works shall commence on site**, including any demolition and site clearance works, until full details for the provision of a Lesser Horseshoe (LHS) Bat Roost and two pole mounted bat boxes have been submitted to and approved in writing by the local planning authority. The details shall include the following:

- a plan illustrating the location of the LHS Bat Roost and pole mounted bat boxes within the site;
- details of the LHS bat roost structure and pole mounted bat boxes
- provision of a robust fence around the bat roost structure; and
- a programme of works for its implementation.

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

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

Condition 9 discharged on 07.03.25 App No. P/24/0277.

- 11 **Prior to the installation of any external lighting**, 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 the bat boxes and lesser horseshoe roosting structure;
- 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.

- 12 **Prior to the occupation of the flats hereby approved** details of the landscape scheme shall be submitted to and approved in writing by the local planning authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 13 **Prior to the occupation of the flats** hereby approved, a hard-landscaping scheme setting out the details/samples of the material finishes for any hard surfaced areas that form part of the access, parking and communal spaces, 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 ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 **Prior to the occupation of the flats** hereby approved, a Travel Plan setting out the measures to be put in place to reduce road traffic and encourage sustainable modes of travel, shall be submitted to and approved in writing by the local planning authority. The measures set out in the Travel Plan shall be implemented in full thereafter

Reason - In order to promote sustainable modes of transport in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 14 discharged on 24.03.25 App No. P/24/0276.

- 15 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 in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 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.

- 17 **Prior to any construction works commencing on site** (other than demolition), 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 shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) 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)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) 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.

Condition 17 discharged on 30.1.26 App No. P/25/0232.

INFORMATIVES

1. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.