

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: Persimmon Homes (East Wales) c/o Mr Morgan Williams Persimmon Homes Llantrisant
Business Park Llantrisant CF72 8YP

WHEREAS you submitted an application on the 12th October 2021 to develop: Land Off Elm Tree Grove
Twynyrodyn Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Persimmon Homes (East Wales)
Persimmon House
Llantrisant Business Park
Llantrisant
CF72 8YP

Description of Proposed Development

Residential development and associated engineering,
access and landscaping 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: 20th October 2022

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 No. SP-03-Rev 07 - Proposed Site Plan, received 14.07.2022
Dwg No. SE-01_02, Rev 02 - Sections, received 14.07.2022
Dwg No. AT-02_02, Rev 02 - Active Travel Strategy Plan, received 14.07.2022
Dwg No. MT-02_03 Rev 03 - Material Treatment Plan, received 14.07.2022

Dwg No. 421-WD21-HIP - Hipped Plans & Elevations Plot 89, received 14.07.2022
Dwg No. Da_FG_TF_End_R21 Rev A - The Danbury Plot 79 & 82, received 14.07.2022
Dwg No. AL_Sem_R21-401 - Alnmouth Traditional, received 19.05.2022
Dwg No. Ad_Sem_R21-401 - Ashbridge Traditional, received 19.05.2022
Dwg No. Da_Sem_R21-401 - Danbury Traditional, received 19.05.2022
Dwg No. Dp_Sem_R21-401 - Deepdale Traditional, received 19.05.2022
Dwg No. Ch_Det_R21-401 - Charnwood Traditional, received 19.05.2022
Dwg No. Bw_Det_R21-401 - Barnwood Traditional, received 19.05.2022
Dwg No. Sa_End_R21-903 - Saunton Traditional, received 19.05.2022
Dwg No. Br_Mid_R21-401 - Braunton Traditional, received 19.05.2022
Dwg No. An_Sem_R21-401 - Ashdown Traditional, received 19.05.2022
Dwg No. Ga_Trad_DT R21-401 - Galoow DT Traditional, received 19.05.2022
Dwg No. Bw_Det_R21-401 - Barnwood DT Traditional, received 19.05.2022
Dwg No. Bt_Det_R21-401 - Brampton Traditional, received 19.05.2022
Dwg No. Kn_Det_R21-401 - Knebworth DT Traditional, received 19.05.2022
Dwg No. Ki_Trad_Det_R21-401 - Kielder Traditional, received 19.05.2022
Dwg No. 211-WD21 - 1 Bedroom affordable dwelling, received 19.05.2022
Dwg No. 421-WD21 - 2 Bedroom affordable dwelling, received 19.05.2022
Dwg No. 531-WD21 - 3 Bedroom affordable dwelling, received 19.05.2022
Dwg No. SG-02 - Double Garage, received 19.05.2022
Dwg No. SG-01 - Single Garage, received 19.05.2022

Dwg No. BT-02_04 Rev 04 - Boundary Treatment Plan, received 14.07.2022
Dwg No. D01 - 1.8m Brick Screen Wall, received 19.05.2022
Dwg No. D02 - 1.8m Close Boarded Fence, received 19.05.2022
Dwg No. D07 - 1.8m Close Boarded Gate, received 19.05.2022
Dwg No. D31 - 1.8m Brick Wall with Timber Fence, received 19.05.2022
Dwg No. D13 - Timber Knee Rail, received 19.05.2022

Dwg No. 10247-100-01 Rev B - Engineering layout, received 15.08.2022
Dwg No. 10247-100-02 Rev B - Engineering Layout, received 15.08.2022
Dwg MC-01_01 Rev 01, Management Company Plan, received 14.07.2022

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

- 3 **Prior to the construction of the dwellings** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings and garages 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 24.02.2023 - App No. P/22/0329.

- 4 **No construction works 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.

- 5 **No construction works shall take place** until an intrusive 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 occupation of any dwelling 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

Condition 5 discharged on 16.06.2025 - App No. P/22/0309.

- 6 If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 5, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

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

- 7 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.

Condition 7 discharged on 16.06.2025 - App No. P/22/0309.

- 8 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.

- 9 **No development or site clearance shall take place**, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *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 9 discharged on 24.02.2023 - App No. P/22/0310.

- 10 **No development shall take place** until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of works shall be fully implemented in accordance with the requirements and standards of the written scheme.

Reason - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and in accordance with policy CW1 of Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 10 discharged on 24.02.2023 - App No. P/22/0310.

- 11 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 12 **No development shall commence** until a scheme to protect the structural condition of the strategic public sewers (in particular the surface water box culvert) located within the eastern boundary of the of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

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, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 13 The pumping station, as indicated on the Site Plan (Dwg No. SP-03-Rev 07), 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 **Prior to construction works commencing** on site, details of the shared surface roads, as illustrated on the Site Plan (Dwg No. SP-03-Rev 07), including sections, levels and the surface material finishes, 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 ensure that the development will be visually attractive and that a safe environment for pedestrians is provided to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 15 **Prior to construction works commencing**, 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 - In the interest of minimising the potential impacts on the Air Quality Management Area and 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.

- 16 **No construction 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) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) a travel plan for the management of construction traffic to avoid the Air Quality Management Area along Twynirodyn Road; and
- viii) details of a suitably qualified ecologist to oversee and monitor all works relating to habitat creation and management for the duration of the development.

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

Condition 16 discharged on 24.02.2023 - App No. P/22/0311.

- 17 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.

- 18 **Prior to the occupation** of the dwellings hereby approved details of the brickwork to be used in the construction of boundary walls, as illustrated on Dwg No. BT-02_04 Rev 04, shall be submitted to and approved by the local planning authority. The boundary enclosures shall be completed in accordance with the approved details 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.

Condition 18 discharged on 24.02.2023 - App No. P/22/0329.

- 19 **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 Site Plan (Dwg No. SP-03-Rev 07) 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.

- 20 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 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.

- 21 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.

22 **No development shall take place** until details of a soft landscape scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- planting plans, illustrating areas of onsite habitats to be retained insitu and enhanced;
- the planting of native species of local provenance, with no ornamental, cultivar or nativar species;
- to include a 2m wide (once established) double hedgerow with trees along the eastern boundary linking to off-site scrub comprising standard hedgerow species and heavy standard tree species, with a minimum of 5 species in the mix;
- the provision of a wetland environment around at least one of the attenuation basins in the southern part of the site;
- 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 the phasing of work, for the provision of the public open spaces within the area outlined on Dwg No. MC-01_01 and for the provision of the active travel route illustrated on Dwg No. AT-02_02 Rev 02.

All planting and seeding comprised in the approved details of landscaping 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.

Reason - To ensure that the new development will be visually attractive, that it compensates for the loss of habitats and that adequate open space/recreation area is provided in the interests of amenity and to accord with Policies SW11, EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

23 **Prior to the occupation of the dwellings**, a detailed 25 year landscape and habitat management plan, including management responsibilities and maintenance schedules for all landscaped and habitat areas (including the reptile receptor site), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape and habitat management plan 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 protect the natural environment in accordance with Policies SW11, EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

24 **No development shall take place**, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of existing trees and vegetation to be retained, which shall include a plan setting out the protective measures across the development. The development shall be carried out in accordance with the approved details.

Reason - To protect the existing trees and vegetation on the site during the course of construction works in the interest of amenity in accordance with Policies SW11, EW1 and EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 25 **Prior to the occupation of the dwellings**, 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 along the southern and eastern boundaries, together with dark routes for access to the integral bat boxes.
- the lux levels within the dark corridors shall not exceed 0.2 lux on the horizontal plane and 0.4 lux on the vertical plane
- the onsite lighting shall include appropriate colour temperatures of no more than 2700 Kelvin and peak wavelengths of no more than 550nm.

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.

- 26 **Prior to works commencing on site**, details for the provision of integral bat boxes and integral bird boxes on 50% of the dwellings hereby approved, shall be submitted to and approved in writing by the local planning authority. Plans shall be provided to illustrate their location within the site and their position on the dwellings, together with details for a mixture of bat boxes and bird boxes to support a range of species. The bat and bird boxes shall be provided in accordance with the approved detail prior to the dwellings being brought into beneficial use.

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

- 27 **Prior to works commencing on site** a reptile mitigation strategy, including full details of a suitable receptor site for the translocation of reptiles and associated enhancement measures, shall be submitted to and approved in writing by the local planning authority. All works 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.

- 28 The parking spaces and carports as illustrated on the Site Plan (Dwg No. SP-03-Rev 07) 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 grant of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, in so far as it affects a right of way, should not be started; and the right of way should be kept open for public use until the necessary order under s.247 or s.257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. If you need advice about the right of way and bridleway crossing the site, you should contact the Rights of Way Division on 01685 725309/rightsofway@merthyr.gov.uk.
2. The application/developer is advised to liaise with the Council's SuDS Approval Body (SAB) before any construction works begins, in respect of any necessary permissions relating to surface water drainage requirements, under Schedule 3 of the Flood and Water Management Act 2010. If you require any advice, you should contact the SAB officer on 07759 137063/SAB@merthyr.gov.uk.

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.