

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: Merthyr Valley Homes c/o Asbri Planning Ltd F.a.o. Mr G Jones Unit 9 Oak Tree Court
Cardiff Gate Business Park Cardiff

WHEREAS you submitted an application on the 25th November 2020 to develop: Land At Junction Of Landsbury Road And Heol Parc Y Lan And Land Off Heol Tai Mawr Gellideg Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Merthyr Valley Homes
Ty Brychan
22 Lansbury Road
Gellideg
Merthyr Tydfil

Description of Proposed Development

Demolition of existing buildings, and construction of 4 buildings comprising 2 bungalows, 8 flats and 2 dwellings with landscaping, car parking, drainage arrangements and new play area (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: 5th March 2021

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:

Drawing 10463/903 Rev 01 Vehicle Tracking Layout Reversing Out of Bays Sheet 4/4 received on 04.02.2021

Drawing 10463/904 Rev 01 Vehicle Tracking Layout Sheet 5/6 received on 04.02.2021

Drawing 10463/905 Rev 01 Vehicle Tracking Layout Sheet 6/6 received on 04.02.2021

Drawing 10463/902 Rev 01 Vehicle Tracking Layout Entering Bay in Forward Gear Sheet 3/4 received on 04.02.2021

Drawing 10463/901 Rev 01 Vehicle Tracking Layout Reversing Into Bays Sheet 2/4 received on 04.02.2021

Drawing 10463/900 Rev 01 Vehicle Tracking Layout Exiting To The Right Sheet 1/4 received on 04.02.2021

1:500 Block plan showing the location of the proposed play area received on 03.02.2021

Drawing number 10463_251 Rev 02 Proposed Play Area Sections received on 03.02.2021

Drawing number 10463_250 Rev 02 Proposed Play Area Plan received on 03.02.2021

Drawing number 19 Revision I Site Plan received on 19.02.2021

Drawing number 01 Rev D Landscape Proposals received on 19.02.2021

Drawing number 20 Site Sections and Street Elevations received on 18.01.2021

Drawing number 15 Rev J Block 1 - 2no. 4 Person, 2 Bedroom dwellings received on 18.01.2021

Drawing number 16 Rev J Block 2 - 4 No. 2 Person, 1 Bedroom flats received on 18.01.2021

Drawing number 17 Rev J Block 3 - 4 No. 2 Person, 1 Bedroom flats received on 18.01.2021

Drawing number 18 Rev L Block 4 - 2no. 3 Person, 2 Bedroom bungalows received on 18.01.2021

Drawing 10463/505 Rev 03 Site Cross Sections received on 25.11.2020

Drawing 10463/502 Rev 04 Plot Drainage Layout Sheet 1 of 2 received on 25.11.2020

Drawing number 10463/503 Rev 04 Plot Drainage Layout sheet 2 of 2 received on 25.11.2020

Drawing number 10463/501 Revision 04 Site Drainage Layout received on 25.11.2020

Drainage Strategy Report received on 25.11.2020

Geotechnical & Geo-environmental Site Investigation Report received on 25.11.2020

Bat Activity Survey Report V1.4 Final received on 19.02.2021

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

- 3 The proposed residential units hereby approved 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.

- 4 Prior to the construction of the residential units hereby approved, details/samples of the materials to be used in the construction of the external surfaces of the buildings 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 4 discharged 29.11.21 - App. No. P/21/0221.

- 5 Prior to the beneficial occupation of the residential units hereby approved, details of the off-site play area located off Heol Tai Mawr, Gellideg shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
- i) The siting, design, appearance and scale of the proposed play equipment and any other features/equipment;
 - ii) Details of the design, height and appearance of any proposed boundary enclosures;
 - iii) Details of any means of lighting
 - iv) A scheme of landscaping

The play area shall be completed in accordance with the approved details prior to the occupation of any residential unit.

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 5 Discharged on 16.08.22 - App. No. P/22/0184

- 6 Prior to the construction of the residential units hereby approved details/samples of the railings and facing brickwork material to be used on the retaining/boundary walls, shall be submitted to and approved in writing by the local planning authority. The retaining walls and boundary treatments shall be fully completed in accordance with the approved details prior to the occupation of the residential units.

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 6 discharged 29.11.21 - App. No. P/21/0221.

- 7 Prior to the beneficial occupation of the residential units hereby approved, details of the soft landscaping works illustrated on drawing 01 Revision D (Landscape Proposals) shall be submitted to and approved in writing by the Local Planning Authority.

The soft landscaping works shall include a detailed planting plan with written specifications, schedule of plants noting the species, proposed numbers and densities, plant supply sizes and location of the proposed planting and an implementation programme (including phasing of work where relevant).

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.

Condition 7 discharged on 26.01.23 App No. P/22/0306.

- 8 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 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 9 **No building work or engineering works shall take place** until details, including structural calculations, 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.

Condition 9 discharged 29.11.21 - App. No. P/21/0221.

- 10 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 Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 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.

- 12 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 extensions, outbuildings, rooflights, dormers or roof extensions shall be erected.

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

- 13 The car parking spaces hereby permitted shall be provided prior to the occupation of the residential unit(s) to which they relate and shall thereafter be kept available for the parking of vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 14 Prior to the beneficial occupation of the residential units hereby approved, details shall be submitted to and approved in writing to confirm the exact location of the bat boxes and bird boxes as illustrated on drawing number 19 Revision I. The bat and bird boxes shall be erected in accordance with the approved details prior to occupation of any residential unit.

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

Condition 14 discharged on 26.01.23 App No. P/22/0306.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
4. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

5. The applicant/developer is advised to liaise with Merthyr Tydfil County Borough Council's Highway Division regarding any consents which are required in association with the provision of any vehicle cross over or verge or footway. This approval is independent of the approval of planning permission. The developer is also advised to contact the highway division regarding any retaining works or other works affecting the highway BEFORE construction works commence. This approval is also independent of the approval of planning permission by the local planning authority.
6. No surface water shall be allowed to connect to the highway drainage system.

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.