

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: Mrs Diane Smith c/o Mr Denis Canney CanPlan Llys Cerdd 18 West Grove Merthyr Tydfil

WHEREAS you submitted an application on the 28th January 2022 to develop: Land Off Winchfawr Road (to The North Of Perthddu) Heolgerrig Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Mrs Diane Smith
Ty Wern
Cae Wern
Ynysfach
Merthyr Tydfil

Description of Proposed Development

Detached dwelling with detached garage (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: 9th June 2023

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 Title: Ground Floor Plan, Drawing Number: WF-01 Rev A, Received on 9 December 2022

Drawing Title: First Floor Plan, Drawing Number: WF-02 Rev A, Received on 9 December 2022

Drawing Title: Front & Rear Elevations, Drawing Number: WF-03 Rev A, Received on 9 December 2022

Drawing Title: Side Elevations, Drawing Number: WF-04 Rev A, Received on 9 December 2022

Drawing Title: Proposed Site Plans, Drawing Number: WF-06 Rev B, Amended Plan Received on 22 May 2023

Drawing Title: Proposed Sections, Drawing Number: WF-09 Rev A, Received on 9 December 2022

Drawing Title: Proposed (access plan) Drawing Number: 1550-ACS-XX-ZZ-DR-T-002-B Submitted on 22 May 2023

Preliminary Ecological Assessment, Issue 1VA, produced by BE Ecological Ltd. dated 20/02/23 and received on 23 February 2023

Coal Mining Risk Assessment, produced by Rhondda Geotechnical Services, dated 13/02/2023 and received on 23 February 2023

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

- 3 **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 Replacement Local Development Plan..

- 4 **Prior to the occupation of the dwelling** hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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 Replacement Local Development Plan.

- 5 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 3, 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 Replacement Local Development Plan.

- 6 **Prior to the occupation of the dwelling** hereby approved, vision splays of 2.4m x 25m to the north and 2.4m x 27m to the south shall be provided at the proposed access in accordance with approved drawing no. "1550-ACS-XX-ZZ-DR-T-002-B". These shall be retained, free from obstructions, indefinitely.

Reason - In the interests of highway safety and the free flow of traffic.

- 7 **Prior to the occupation of the dwelling**, hereby permitted, the driveway indicated on drawing no. "WF-06 Rev B" shall be provided and kept available for the purpose of parking and turning vehicles at all times thereafter.

Reason - To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, to accord with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

- 8 **No development shall take place**, or any demolition works or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rosa 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.

9 Phase 1 investigation

No development shall take place until a Phase 1 Land Contamination investigation has been carried out. The Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10 Phase 2 investigation

Should the Phase 1 Contamination investigation carried out under condition 9 identify the presence of potentially unacceptable risks, **no development shall take place until** a Phase 2 site investigation has been carried out.

A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before the commencement of the Phase 2 investigation.

The completed Phase 2 investigation report together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any development or remediation works being carried out.

The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - To ensure the risks from land contamination to future users of land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 11 Should Land Contamination Remediation Works be identified as necessary under condition 10, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic

environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the risks from land contamination to future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 12 Following the completion of measures identified in the approved remediation scheme and prior to the occupation of the dwelling, a verification report (prepared by a third party and a "competent person") that demonstrates the effectiveness of the remediation carried out must be produced, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, shall be submitted to the Local Planning Authority for approval. The monitoring and maintenance programme shall be implemented in accordance with the approved details.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 13 Before the dwelling hereby approved is occupied, details of the following, together with a plan(s) showing their exact siting/location(s) shall be submitted to and approved in writing by the local planning authority:
- o An integrated bat box.
 - o An integrated sparrow terrace.
 - o Gaps in boundaries for the free passage of hedgehogs across the site.
 - o A hibernaculum.

All of the above shall be installed/provided in accordance with the approved details before the dwelling is occupied and shall be retained in perpetuity.

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

- 14 **Before any works commence on site** a Reptile Mitigation Strategy (RMS) shall be submitted to an approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved RMS.

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.

- 15 **Before any works commence on site**, a method statement for the dismantling of the onsite building (with consideration for bats) shall be submitted to an approved in writing by

the local planning authority. The works shall be carried out in full accordance with the approved method statement.

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.

- 16 **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall clearly identify areas of habitat on site that will be removed and those that will be retained and set out measures for their protection throughout the course of development. It shall also include details for the locations of the wildflower and lawned areas outlined in the Preliminary Ecological Assessment

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to protect the natural environment and important habitat in accordance with Policies SW11, EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 17 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.

- 18 **Prior to the construction of the dwelling and garage** hereby approved, details/samples of the materials to be used in the construction of the external surfaces of these 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 Replacement Local Development Plan.

- 19 **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 .

- 20 **Prior to the occupation of the 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 - 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.

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

- 22 Notwithstanding the provisions of schedule 2, part 1, 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 rear dormer windows shall be erected.

Reason - In the interest of residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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.