

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: Pine Fields Private Limited c/o Mr Richard Arnold 15 Mile End Road Colchester CO4 5BT

WHEREAS you submitted an application on the 6th December 2019 to develop: Land South Of Brondeg And West Of Upper Colliers Row Heolgerrig Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Pine Fields Private Limited
C/o Agent

Description of Proposed Development

Application to extend the period of time for the submission of reserved matters relating to outline planning permission P/16/0344 (Removal of Condition)

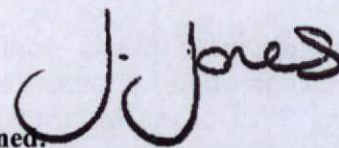
The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS OUTLINE PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans submitted with the application, subject to the following condition(s),

CONDITIONS

Please see attached sheet.

Date: 26th May 2021

Signed:



(Head of Town Planning)

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

CONDITIONS

- 1 Details of the appearance, landscaping, layout, and scale, (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 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.

- 4 The reserved matters application(s) shall include an area of Public Open Space (POS) similar in size and location, to that illustrated in the Design and Access Statement dated October 2013. Prior to the commencement of development details of the POS (including a timescale for its provision) and a scheme for its long term management, ownership and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The POS shall be constructed, managed and maintained in accordance with the approved details and thereafter kept available for public use.

Reason - To ensure adequate public open space/play facilities are provided for the occupiers of the dwellings, hereby permitted, and residents in surrounding areas. In accordance with Policy SW9 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 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.

- 6 **BEFORE** works commence 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 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 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 10% of the proposed housing units;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) 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 appropriate affordable housing provision is accommodated within the development in accordance with policy SW9 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 7 In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details BEFORE the development hereby approved is brought into use.

i) Existing and proposed site levels including full cross sectional drawings;

ii) Proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;

iii) Full constructional and facing material details of any retaining walls over 1 metre in height.

Reason - To ensure a satisfactory standard of development and protect local amenity interests in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 **BEFORE** any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason - To protect the existing trees on the site during the course of building work in the interests of amenity and to protect bat roosts in accordance with Policies SW11, EnW1,

EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 9 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling hereby permitted. The landscape management plan shall be carried out as approved.

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

- 10 No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'.

Reason - To afford protection to animal and plant species in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 11 Full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site. The approved scheme shall be implemented prior to the occupation of any dwelling/building.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

- 12 No dwelling shall be occupied until the relevant boundary enclosures relating to that property have been completed in accordance with the approved details.

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

- 13 The development hereby permitted shall be carried out in strict accordance with section 8 of the Extended Phase 1 Habitat And Great Crested Newt Survey (re/HE/69/2012) dated May 2013.

Reason - To afford protection to the Great Crested Newt in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan. .

- 14 No development shall take place until foul water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved scheme.

Reason - To ensure adequate disposal of foul drainage in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 15 Construction works on the development site shall not take place other than during the following times:

- (i) Monday to Friday 0800 to 1800 hours
- (ii) Saturday 0800 to 1400 hours
- (iii) Nor at any time on Sundays, Bank or Public holidays,

unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 No works shall commence on site until full engineering design and details of the access (including visibility splays) internal road layout (with sections), footways, footpaths and associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 17 No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:

- a) A scheme of noise limitation,
- b) The parking of vehicles of site operatives and visitors,
- c) A scheme to deal with dust prevention and control.
- d) Storage of plant and materials used in constructing the development,

- e) Wheel cleansing facilities,
- f) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason - In the interests of residential amenity and the environment in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 18 No development shall take place on the site until a Structural Design Certificate, completed and signed by a Chartered Engineer and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the Local Planning Authority. The certificate shall confirm that detailed and invasive site investigations have been carried out at the site. The scheme shall include an investigation and assessment to identify those precautions or measures deemed to be required in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground conditions.

The scheme as approved shall be fully incorporated in the design and construction of the proposed development.

Reason - To ascertain the stability of the site, determine the structural suitability of the development thereon in view of prevailing ground conditions and to ensure that no development is undertaken which may be prejudiced by existing ground conditions.

- 19 The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

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

- 20 No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 19) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

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

- 21 If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not recommence until the additional proposals have been agreed in writing by the Local Planning Authority.

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

- 22 Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage.
- Details of lighting to be used both during construction and/or operation.

The lighting shall only be installed in accordance with the approved details.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 23 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.

- 24 Prior to works commencing on site, details for the provision of bat boxes and 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 bat and bird boxes shall be installed in accordance with the approved details.

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

INFORMATIVES

1. The applicant is advised that a claimed Public Right of Way runs through site. Planning Permission does not authorise the obstruction of, interference to, diversion or stopping-up of a public right of way. No part of the development hereby permitted should interfere with or obstruct the public right of way (until the public right of way has been formally stopped-up or diverted). For further guidance on this matter, the applicant is advised to contact the Council's Public Rights of Way Officer directly on 01685 726225.

NOTES

Your attention is drawn to the following:-

Appeals to the Welsh Government:

- 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 Welsh Government 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 The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use the Planning Inspectorate website (<https:acp.planninginspectorate.gov.uk>) to complete your appeal.
- The Welsh Government 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 Welsh Government 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 Welsh Government 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 the Welsh Government 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