

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 Valleys Homes c/o Mrs Arran Dallimore C2J Architects & Town Planners Unit 1A
Compass Business Park Pacific Road Ocean Park

WHEREAS you submitted an application on the 14th August 2023 to develop: Land Adjoining (South Of) Swansea Road To The East Of Waunbant Court And North West Of Old Winchfawr Road Swansea Road Merthyr Tdfil short particulars of the application being as follows:-

Name of the Applicant

Merthyr Valleys Homes
C/O Agents

Description of Proposed Development

Proposed residential development (42 dwellings) with new access (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: 29th January 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:

- Landscape Strategy Plan LA1, received 08.01.2024
- Dwg No. AL(90)02 Rev A1 - Proposed Site Plan, received 27.11.2023
- Dwg No. AL(90)08 Rev B - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)09 - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)10 - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)20 - Proposed Reptile Translocation Site Plan, received 08/01/2024

- Dwg No. AL(01)40 Rev F - House Type A1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)41 Rev B - House Type A2 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)50 Rev G - House Type B1 Plans & Elevations, received 16.11.2023
- Dwg No. AL(01)60 Rev D - House Type C1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)61 Rev D - House Type C2 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)70 Rev A - House Type D1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)80 Rev A - House Type E1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)90 Rev B - House Type F1 Plans, received 14.08.2023
- Dwg No. AL(01)91 Rev A - House Type F1 Elevations, received 14.08.2023

- Ecological Impact Assessment V3, dated December 2023
- Proof Drilling Ironstone Mining Investigation, ref 12824/PD/HP/A, dated 03.04.2023
- Tree Survey Categorisation & Constraints Report, dated 07.06.2023
- Transport Statement, ref C23044/TSs01, dated 02.08.2023

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** details/samples of the materials to be used in the construction of the external surfaces of the dwellings 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.

- 4 **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.

- 5 **No development shall take place** until a Slope Stability Assessment has been carried out. The results of this investigation shall be submitted to and approved in writing by the Local Planning Authority before any construction work begins, together with a report specifying the measures to be taken to remediate the site to render it suitable for the development, which shall include the measures set out in the Proof Drilling Ironstone Mining Investigation (Prepared by Integral Geotechnique - Ref 12824/PD/HP/A). The remedial measures shall be completed 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 Replacement Local Development Plan.

- 6 If during the course of development, any unexpected land instability issues are found which were not previously identified in the report submitted under 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 Replacement Local Development Plan.

- 7 Prior to the occupation of the dwellings 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 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.

- 8 **Before any construction or site clearance works commence on site**, a Japanese Knotweed Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed 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.

Condition 8 discharged on 11.06.2024 – App No. P/24/0049

- 9 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 will be fully carried out 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 to accord with Policy CW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 10 Demolition or 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.

- 11 **No development shall commence**, including any 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 construction period 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 a EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 12 **Prior to construction works commencing on site** 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 12 discharged on 10.06.2024 – App No. P/24/0082

- 13 **Prior to the occupation of any dwelling**, details for the provision of a widened footpath, as identified in the Transport Statement (Doc Ref C23044/TS01), that links to a new active travel route shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be constructed in accordance with the approved details prior to the occupation of the dwellings.

Reason - To ensure appropriate pedestrian and cycle links are provided to encourage sustainable form of transport to accord with Policies SW11 and SW12 of the Merthyr Tydfil Replacement Local Development Plan.

- 14 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 dormer windows shall be erected on any the dwellings.

Reason - In the interest of visual amenity and the privacy of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 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 to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 16 **No construction works shall take place** until details of the landscape scheme have been 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.

17 **No development shall commence**, including any works of demolition until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. These details shall include:

- a plan illustrating areas of onsite habitats to be retained, protected and enhanced;
- details of the compensation measures to replace the loss of dwarf heath scrub, neutral grassland, acid grassland and on-site woodland;
- details of the enhancement measures set out in Section 7 of the Ecological Impact Report (dated December 2023);
- a method statement for hedgehogs and for the protection of nesting birds;
- details for the enhancement of the reptile receptor site to be implemented prior to the commencement of translocation;
- a management plan for a period of 10 years for the monitoring and maintenance of all new habitats created on site.
- 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.

18 **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.
- a plan illustrating the lux levels across the site overlaid with the dark corridors
- the onsite lighting shall include details of the proposed colour temperatures

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.

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.