

DELEGATED REPORT

Application No:	P/21/0412
Site Address:	Land Adjacent To 17 Beechwood Drive Heolgerrig Merthyr Tydfil
Development:	Proposed dwelling with minor works on the junction of Heolgerrig Road
Case Officer:	Caroline Pulley
Site Visit:	23rd December 2021
Application Expiry Date:	7th March 2022
Consultation reply date expired:	21st April 2022

APPLICATION SITE

The application site consists of a vacant parcel of land situated immediately to the west of 17 Beechwood Drive and the section of road leading to this site off Heolgerrig Road. The site is located within an established residential area, with residential dwellings surrounding the eastern, western and northern boundaries. It is irregular in its overall shape and is predominately a grassed, sloping parcel of land that falls from west to east. It is bounded by the side elevation of a detached, gable fronted bungalow to the east, the gable end of a semi-detached dwelling to the north and the rear garden of a large detached dwelling to the west. The southern boundary of the site is bordered by a couple of trees which abut an undeveloped parcel of land that is designated as a Site of Important Nature Conservation (SINC). Access into the site is provided via a field gate located within the far north-eastern corner of the plot.

As a result of its topography, the site is raised in relation to the bungalow to the east and the semi-detached dwelling to the north. The neighbouring bungalow (17 Beechwood Drive) is gable fronted onto the road and its western side elevation sits approximately 2-3m away from the common boundary. There is a single bathroom window located along its side elevation which is partially obscured from the site by the conifer hedge which defines the neighbours boundary. Its rear garden extends to some 10m in length and is also defined by a hedgerow. Beyond this, there is a small rectangular area of garden which is enclosed by post and rail fencing. The northern boundary of the site faces onto the side elevation of number 132 Heolgerrig. This property has a side driveway and garage located next to the common boundary. It is enclosed from the site by the side wall of the garage and a low brick wall. Its gable end, in which there is a single doorway, is offset from the boundary by a distance of approximately 5m.

PROPOSED DEVELOPMENT

Full planning is sought for the construction of a two-storey detached dwelling. The proposed dwelling would be positioned at an angle on the plot with its front elevation facing north-east (i.e. towards the road). It would have a maximum width of 19.2m (including the side projection), a maximum depth of 9.25m and a maximum height of 7.5m. It would comprise a hallway, living room, playroom, kitchen/dining area, utility room, boot room and w.c on the ground floor. At first floor, the dwelling would accommodate five bedrooms and two bathrooms.

The front elevation would feature three pitched roof dormer windows and a two-storey gable extending from the western end of the front elevation. A two-storey gable, two dormer windows and a rooflight are also proposed to the rear. The external walls would be covered with a mixture of render and brickwork with the roof being covered with slates. The single storey boot room and utility annexe proposed along the dwellings eastern elevation would be finished in timber. A hardstanding area would be provided to the front of the dwelling to provide off-road parking for a minimum of two vehicles. A garden would be provided to the rear of the dwelling.

The development of the site also involves a proposal to improve the visibility at the junction with Heolgerrig Road. This particular aspect would involve works to be undertaken to the front/side boundary of the neighbouring property which lies to the right of the highway junction, namely The Gables. The existing hedgerow which defines the front boundary of The Gables would be cut back to allow for a 2m x 25m vision splay to be provided to the right of the highway junction. It is proposed that the existing 600mm high wall would be retained and a new 1.5m high enclosure would be provided to the front of the hedgerow.

The application is accompanied by the following documents:

- Speed Survey and Access Appraisal;
- Coal Mining Risk Assessment;
- Preliminary Ecological Appraisal (PEA).

PLANNING HISTORY

The planning history relating to the site is as follows:

P/18/0054 Proposed dwelling with minor works on the junction of Heolgerrig Road (outline) – Approved 06.02.2019

P/00/0240 Erection of dwelling (Outline)
Refused planning permission on 9th May 2002 for the following reason:

'The proposed development as submitted is considered unacceptable in that it runs contrary to Policy H2 of the adopted Merthyr Tydfil Borough Local Plan. The proposal would result in increased traffic levels off an existing private lane at its junction with Heolgerrig Road. The said junction is substandard in that it lacks suitable visibility onto the main highway. Any increase in traffic using the access would prejudice the safety of both traffic and pedestrians travelling along this section of Heolgerrig Road.'

Reference was also made to insufficient information being provided in relation to land ownership.

P/92/0348	1no. dwelling (Outline)	-
	Refused planning permission on the 1 st October 1992 on highway safety grounds	

P/87/1065 Erection of dwelling (Full)
Refused planning permission on the 23rd February 1998. Appeal was dismissed by the Planning Inspectorate.

CONSULTATION

Head of Engineering: No objection, subject to conditions relating to visibility splay and ground conditions.

Policy Officer: No objection.

Ecologist: No objection.

Environmental Health: No response.

Natural Resources Wales (NRW)	Advised that insufficient information had been provided and additional information should be sought regarding protected sites.
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Welsh Water:	No objection, subject to no surface water and/or land drainage connecting with the public sewerage network.
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The Coal Authority: No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site.

As a result of the publicity undertaken during the course of this application, letters of objection have been received from the residents of 17 Beechwood Drive and 132 Heolgerrig which are summarised as follows:

- The overbearing, overshadowing and overlooking impact of the development to number 17 Beechwood Drive;
- Access to the site being narrow with further concern that an additional dwelling in this area would lead to overdevelopment;
- Potential highway safety issues, including the suitability of the access road, the level of visibility at the junction with Heolgerrig Road and the narrow width of the access road leading to the site;

- Concern that the development of a large, 4 bedroom home could cause noise, pollution and nuisance from additional vehicles, people and children in the area;
- Concern regarding the mining history of the area and the potential for shafts to be present in close proximity to the site;
- Maintenance issues relating to the private road;
- Environmental impact arising from the loss of trees on the site;
- The speed Survey and Access Appraisal report does not take into account the increased activity and traffic flow rising from the provision of a new children's play area which is in close proximity to the site;
- Claims that the applicant does not have control or ownership of the access road leading to the site (off Heolgerrig Road);
- Increased risk surface run-off and flooding arising from the proposed development; and
- Clarification is sought regarding the treatment and management of Japanese Knotweed on the site.

Local Ward Members were advised of the objections received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Director of Neighbourhood Services.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Paragraph 2.2 notes that *“All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being”*. Paragraph 2.3 expands on this highlighting that *“the planning system should create sustainable places which are attractive, sociable, accessible, attractive, secure, welcoming, healthy and friendly”*.

Paragraph 3.9 *“the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations”*

Paragraph 3.45 provides guidance in relation to accessibility. It advises that *‘Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and the use of public transport’*.

Paragraph 4.1.8 advises that the Welsh Government is committed to supporting sustainable forms of transport with the aim of reducing reliance on the private car.

Paragraph 4.2.17 states *'Maximising the use of suitable previously and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites'*.

Paragraph 4.2.22 highlights the preference for higher density development in suitable locations noting *"Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their area. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links"*.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Paragraph 2.6 of TAN12 states that *'Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities'*.

Paragraph 4.3 of TAN12 points out *'Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process.'*

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

Paragraph 9.16 states that *'the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road'*.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW2 – Provision of Affordable Housing

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW10 – Sustainably Supplying Materials

Policy EcW13 – Minerals Safeguarding

Supplementary Planning Guidance (SPG) Note No. 1 - Affordable Housing

Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Development

Other guidance

Manual for Streets
CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The key issues that need to be considered are the acceptability or otherwise of the principle of development in planning policy terms, the impact of the proposed development on the character and appearance of the area, the impact of the proposed development on residential amenity and privacy and the impact of the proposed development on highway safety.

Principle of proposed development

The application site is situated within a predominately residential area within the designated settlement boundary. New development is acceptable in this location under Policy SW4 provided it complies with other relevant policies and material planning considerations. Indeed, outline planning permission for a single dwelling has previously been approved on this site (P/18/0054). Therefore, the principle of utilising the site for residential purposes is acceptable.

The main issues to consider when assessing this application relate to whether the new dwelling, in terms of its scale, design and siting, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, parking provision and highway safety. These matters are discussed below.

Character and appearance

With regard to the character and appearance of the area, the application site comprises a gap in a street scene of predominantly residential properties, appearing as an unmaintained and undeveloped piece of grassland. It is situated amongst a small group of properties arranged informally around a private access road in a small cul-de-sac type of arrangement. The application site lies immediately to the west of 17 Beechwood Drive, a detached bungalow and to the south of 132 Heolgerrig, a two-storey semi-detached dwelling. Further north and along Heolgerrig Road, there are two-storey terraced dwellings and larger detached properties. The surrounding context is therefore varied, given that the existing properties within the immediate vicinity of the application site differ in their scale and appearance.

The proposed dwelling is considered an acceptable form of development in respect of its siting, scale and design which would be compatible with the varied context in the immediate area. The proposed dwelling would be orientated so that its front elevation would face onto the road. This provides a legible and attractive form of development which logically rounds off the existing group of dwellings in this location. It also affords the rear garden area with a higher level of privacy, which would be advantageous to the potential future occupiers of the dwelling. While it is acknowledged that the proposed dwelling would have quite a large footprint, there are some larger properties located within

the vicinity of the site and the proposed design features would not be out of keeping with the area to cause harm, especially given the generous plot size.

Having regard to these matters, this infill site is considered appropriate for development and would not have an adverse impact on the character or appearance of the surrounding locality.

Residential amenity

The greatest impact from the proposed development, in respect of overlooking, overbearing, loss of light and privacy, would be to the bungalow to the west of the application site (17 Beechwood Drive) and the two-storey dwelling to the north, 132 Heolgerrig. While it is acknowledged that a detached dwelling (Bleddfa) also lies to the west of the site, given the differences in level, the orientation of the proposed dwelling on the site and its distance away from this neighbouring dwelling, it is not considered that the proposal would have a harmful overlooking or overshadowing impact on this property.

Having considered the siting of the proposed dwelling and its relationship to 132 Heolgerrig, it has been concluded that there would be no significant loss of amenity to this property in terms of overbearing impact or loss of privacy or light. Whilst it is appreciated that there would be some windows in the northern side elevation of the proposed dwelling, the first window would serve a non-habitable room (i.e. a bathroom) and can be obscurely glazed by means of a suitably worded condition. The ground floor windows, which would serve a living room and a bathroom, would also be obscured by the neighbour's garage. Although it is appreciated that there would be some overlooking into the front garden area of 132 Heolgerrig, this would not result in a significant loss of privacy due to the distance between the dwellings and the fact that the neighbour's main amenity area is to the rear.

In terms of the concerns raised by the owners of 17 Beechwood Drive, it is appreciated that the front of the dwelling would be angled towards to the front garden of this neighbouring property. However, a distance of at least 10m would be maintained between the first-floor windows and the dividing boundary and this would ensure that there would be no significant overlooking. In terms of the concern raised by the neighbour with regard to the overbearing impact of the development, it should be noted that the garage which was proposed to be constructed along the dividing boundary with this neighbour has now been omitted from the scheme. The proposed dwelling would be located 7m (at its closest point) from the eastern site boundary enclosing 17 Beechwood Drive and approximately 10m (at the closest point) from the neighbouring dwelling itself. Given the topography of the site, the proposed dwelling would be located at a higher level to this neighbouring property. However, given its siting within the plot (at an angle), it would result in the property tapering further away from the eastern boundary further to the south of the plot. It is also noted that the two-storey part of the development would be located further away from the dividing boundary, thereby further limiting the potential impact of the proposed dwelling on number 17. As such, the proposed development would not result in an overbearing form of development on this neighbouring dwelling. In addition, the proposed dwelling would not have any east facing windows, which would prevent any direct overlooking to the side elevation of 17 Beechwood Drive and to its rear garden area.

A garden area would serve the dwelling to the rear southern part of the plot. As noted above, the site is located at a higher level to the adjoining neighbouring dwelling 17 Beechwood Drive and the amenity area would therefore be raised above this neighbouring property. However, the area would be considered an adequate amenity space provided it

was enclosed to provide a private garden to serve the future occupiers of the site and to safeguard the private amenities of the adjoining neighbouring property (17 Beechwood Drive). Details of the boundary treatments and proposed landscaping could be requested by condition as part of any planning permission.

Overall, while the concerns raised by the occupiers of the neighbouring property are acknowledged, the proposal would not cause significant overshadowing or overbearing impact or result in a substantial loss of light, overlooking or loss of privacy which would warrant the refusal of this planning application. Furthermore, permitted development rights for the erection of extensions or outbuildings could be removed through the imposition of a condition, to ensure that any new development and its impact on residential amenity is adequately assessed. The relationship of the proposed dwelling with the neighbouring properties, as explained above, is therefore considered acceptable and would therefore comply with Policy SW11 of the LDP.

Parking and Highway Safety

With reference to highway safety issues, and noting the representations received from local residents, the Head of Engineering has raised no objections to the proposal. In arriving at this conclusion, consideration has been given to the key issues that affect this proposal such as the visibility onto Heolgerrig Road, the suitability of the private access road to serve the proposed development and the level and frequency of traffic passing the access on Heolgerrig Road. Whilst noting the historic planning history relating to the development of this site and the previous highway safety concerns raised in relation to the intensification of the narrow private access road and the available visibility at the junction with Heolgerrig Road, the Head of Engineering remains mindful that the proposal relates to a single dwelling and the level of passing traffic is relatively light along this section of Heolgerrig Road.

The Speed Survey and Access Appraisal submitted with the application has considered the highway implications of allowing the proposed development in detail. It highlights that the access onto Heolgerrig Road currently achieves sub-standard visibility with splays of 2m x 8m being obtained to the left of the junction and 2m x 29m to the right. It has also determined that the traffic volume passing the access is light with a total of 13 two-way vehicle movements being recorded during the morning peak hour (0800-0900) and 27 movements during the afternoon/evening peak period (1700-1800).

If this application were to be permitted, the visibility to the right of the junction would be improved. This would be achieved by making changes to the front boundary of the adjacent property, The Gables. This would allow for a 2m x 25m vision splay to be provided which is appropriate to the speed of the traffic recorded by the survey. Whilst it is acknowledged that visibility in this direction would still be partially obscured by a telegraph pole and highway sign and that the visibility to the left would still fall short of the required standard, the access is an established one and the Head of Engineering has not raised any concerns in this respect. The intensification of use of the private access road by a single dwelling would generate limited additional traffic. The site itself is also considered to be of sufficient size to provide parking for a dwelling of the suggested scale and layout. As illustrated, the proposed dwelling could be served by two parking spaces and an on-site turning area. Taking all matters into account, the addition of one extra dwelling is not considered to significantly impact on the existing highway network.

It is acknowledged that the developer would need to obtain the permission of the adjacent land owner in order to undertake works to the front boundary of 'The Gables'. However, a suitably worded condition can be imposed to ensure that the development is not carried out until the highway improvement works to the junction are completed. Therefore, if a scenario occurs whereby the developer cannot gain the necessary permission to carry out the proposed works to the boundary of the adjacent property, he would not be able to comply with the relevant condition (10).

Having regard to the issues listed above and notwithstanding the highway concerns raised by local residents, the Council's Head of Engineering has concluded that subject to conditions the proposal is acceptable.

Other Matters

Coal Mining

As the site is located within a High Risk Coal Mining Development area, the application is accompanied by a Coal Mining Risk Assessment (CMRA). The submitted report which is based on a review of appropriate sources of coal mining and geological information, including the results of intrusive site investigations, highlights that the site is located within an area which is affected by underground mining of coal seams at a shallow depth.

The Coal Authority acknowledge that within the application site and surrounding area, there are coal mining features and hazards which will need to be considered, specifically both actual and probable mine workings associated with a thick coal seam outcrop and a recorded mine entry (adit). The Coal Authority advise that the site investigations undertaken were able to confirm that all of the coal seems encountered underlying the area where the proposed development would be were encountered intact and at depths, where if worked, could not pose any undue impact to ground stability. In this regard, the report confirmed that there was no risk to the proposed dwelling from shallow mine workings. Accordingly, the Coal Authority have raised no objection to the application. Taking this into account the site is safe and stable for the development to proceed without the imposition of pre-commencement conditions.

Ecology

The Council's Ecologist has been consulted on this application and has raised no issues relating to Ecology. It should be acknowledged that the southern boundary of the site borders a Site of Important Nature Conservation (SINC) and further to the south at a distance of approximately 45m is the Cwm Glo A Glyndyrys SSSI. Accordingly, the Council's Ecologist requested the advice of NRW on this application. Their comments note that sufficient information on the application site should be provided with the application to consider the potential impacts on the SSSI. Following receipt of additional information, the Council's Ecologist has raised no to the development subject to the development proceeding in accordance with the submitted ecology report and on-site enhancements being provided in line with the proposed site plan (which includes ecology notes).

Land ownership

The matter raised in respect of land ownership is not a material planning consideration. Any damage that may occur to the private road during the course of development is a private matter between the applicant and the owners of the road.

With regard to deliveries and construction traffic, it is appreciated that this would need to be managed appropriately and a condition has been recommended requiring details of the parking of vehicular construction traffic, the loading and unloading of plant and materials and the management of construction traffic.

Drainage

The matter raised by the neighbour in relation to surface water run-off and flooding has been noted. However, the applicant will need to gain approval for their drainage from a SuDS Approval Body (SAB) before construction can begin. This matter lies outside of the remit of this planning application. It is also noted that the site does not fall within an area defined to be at risk from flooding.

Conclusion

For the above reasons, the proposed residential development is considered an acceptable form of 'infill' development and would not be harmful to the character of the locality or the amenity of neighbouring residents. The scheme is also considered acceptable in highway safety terms.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following 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 number 547-002 received on 13.12.2021

Proposed Site Sections received on 17.03.2022

Drawing number 013 - elevations received on 13.12.2021

Proposed site plan with existing topography shown received on 17.03.2022

Proposed site plan received on 17.03.2022

Site Plan with ecology notes received on 11.05.2022
Drawing number 011 - plans received on 13.12.2021
Coal Mining Risk Assessment received on 13.12.2021 and the submitted letter from
Blanford Consulting dated 14.01.2022
Preliminary Ecological Appraisal and Preliminary Roost Assessment for Bats
received on 26.04.2022

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

3. **Prior to the construction of the dwelling** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwelling 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 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.

5. Before the development hereby permitted is brought into use, the first floor bathroom window located in the north-western side elevation of the dwelling (as illustrated on drawing ref 013) shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

6. **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.

7. 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 occupation of the dwelling.

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. **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 include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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. 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.

10. **Before the commencement of the dwelling hereby approved**, the boundary enclosures to the dwelling known as 'The Gables' shall be amended and completed in accordance with drawing number 547-002. Thereafter, the visibility splay shown on drawing numbers 547-002 shall be maintained free of any obstruction exceeding 0.9m in height thereafter

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

11. **No development shall commence**, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement 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 the emission of dust and dirt during demolition and construction; and

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. 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.

13. If during the course of development, any unexpected land instability issues are found which were not identified in the Coal Mining Risk Assessment undertaken by Blanford Consulting, 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.

14. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and E 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 or other alterations shall be carried out other than what is expressly authorised by this permission.

Reason - In the interest of visual and residential amenity 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.

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. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

3. 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.

4. The applicant/developer is advised that Japanese Knotweed may be present on the site and if not adequately addressed, could be potentially harmful to the proposed development.
5. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water's maps of public sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'JMUW3'.

Head of Town Planning

DATE:

6/6/22