

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: Lynn Heritage 5 Woodland Way Heolgerrig Merthyr Tydfil CF48 1SQ

WHEREAS you submitted an application on the 11th November 2022 to develop: 5 Woodland Way Heolgerrig Merthyr Tydfil CF48 1SQ short particulars of the application being as follows:-

Name of the Applicant

Lynn Heritage
5 Woodland Way
Heolgerrig
Merthyr Tydfil
CF48 1SQ

Description of Proposed Development

Vary condition 1 (5 year time limit) and remove condition 9 (remedial works) of planning permission P/17/0085 (Removal/Variation of Condition)

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: 8th February 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:

- Garage Plan, Drawing no: 787:P.10 - received 6th June 2017 (as approved under planning permission P/17/0085);
- Elevations, Drawing no: 787:P.07 Rev E - received 13th October 2017 (as approved under planning permission P/17/0085);
- Proposed Ground Floor Plan, Drawing no: 787:P.05 Rev E - received 13th October 2017 (as approved under planning permission P/17/0085) ;
- First Floor Plan, Drawing no: 787:P.06 Rev E - received 13th October 2017 (as approved under planning permission P/17/0085);
- Site Plan, Drawing no: 787:P.02 Rev F - received 24th October 2017 (as approved under planning permission P/17/0085);
- Site Location Plan - post Development, October 2017 - received 31st October 2017 (as approved under planning permission P/17/0085);
- Coal Authority Permit, 'Permit to Enter or Disturb coal Authority Interests', received on 1st March 2023.

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 and garage 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.

- 4 **No development shall take place** until full engineering details and sections, including structural calculations and 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 Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan .

- 5 Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 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 Replacement Local Development Plan.

- 6 **Before the development** hereby permitted is brought into use, the first floor side facing dressing room windows on the northern and southern side elevations shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The window 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 Replacement Local Development Plan.

- 7 Notwithstanding the submitted plans and **prior to the commencement of development** 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 treatments shall be completed in accordance with the approved details 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 Replacement Local Development Plan.

- 8 The proposed site remedial works, to treat shallow mine workings by drilling and grouting and treatment of a single mine entry by pressure grouting and installation of geotextile membrane, shall be carried out in accordance with the Coal Authority Permit, 'Permit to Enter or Disturb coal Authority Interests', received on 1st March 2023.

Reason - In the interest of the safety and the stability of the development, in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 9 Notwithstanding the submitted plans, **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 - In the interests of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

- 10 **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 Replacement Local Development Plan.

- 11 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 Replacement Local Development Plan.

- 12 **Prior to the commencement of development**, a Landscape Ecological Management Plan (LEMP) prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Compensation and enhancement measures for on-site habitats to be retained, protected and enhanced for Bats, Reptiles, Amphibians, Hedgehogs, Nesting Birds and Invertebrates.
- Details of any external lighting to comply with the relevant guidelines: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting>).
- An implementation programme.

The development shall be carried out in accordance with the approved details.

Reason - To safeguard protected species and in the interest of biodiversity, in accordance with Policy EnW1 of the Merthyr Tydfil Replacement local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

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

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

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

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

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be

carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

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

3. The applicant is advised that the proposed garage to serve no. 5 Woodland Way may require planning permission. Details of the garage should be submitted to the planning department, prior to its construction, for further consideration.

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.