

DELEGATED REPORT

Application No: P/20/0052

Site Address: Plot 4A
Elwyn Drive
Twynyrodyn
Merthyr Tydfil

Development: Erection of detached dwelling house (Renew Permission P/12/0207)

Case Officer: Marlene Ferreira

Site Visit: 6th March 2020

Application Expiry Date: 5th November 2021

Consultation reply date expired: 5th October 2021

APPLICATION SITE

The application site relates to an irregular shaped plot of land located in Elwyn Drive in the area of Twynyrodyn. The vacant site is largely overgrown and lies in a small cul-de-sac with two semi-detached properties and one detached property. It is accessed via a private shared access off Elwyn Drive and is sited between 4 and 3a Elwyn Drive.

The site has a maximum depth of 16.4m and a maximum width of 14 metres. It adjoins the boundary with 3 and 4 Elwyn Drive to the north, Fairview Bungalow (Llwyn Yr Hedydd) to the east (which is located at a significantly higher ground level), a dilapidated garage/store building to the south (also located at a significantly higher ground level) and 3a Elwyn Drive and the private access lane (which serve the application site) to the west. A section of the site, located approximately 2 metres away from the dividing boundary to the south (side) and east (rear), is elevated and retained by an existing brick wall measuring approximately 2.2 metres in height.

The other three properties within the cul-de-sac, vary in scale, but all are two storey dwellings with half hipped gable end roof designs, finished in similar materials, with on-site parking provision to the front or side. Likewise, the properties within the adjoining street, Elwyn Drive, immediately outside the cul-de-sac, are also of a similar design and finished with matching materials, with parking provision to the front and/or side.

The site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks full planning permission to construct a two storey detached property with associated garden/patio and parking area.

The pitched roof dwelling would measure 5 metres in width, 7.5 metres in depth, with a 6.5 metre ridge height. It would be served by a living room, kitchen/dining area and WC at ground floor and three bedrooms and a bathroom at first floor. It would be finished with concrete roof tiles, UPVc windows, brickwork elevations at ground floor and rendered elevations at first floor. A private garden/patio would be provided to the rear (east) and side (south) of the property, where a lower garden level and upper garden level is proposed (which includes reducing the retaining wall height from 2.2 metres to 1.8 metres). Two on-site (tandem) parking spaces would be provided along the northern side of the dwelling.

The dwelling would be sited so that its front elevation would be west facing towards the private access road and its rear elevation would be east facing, adjacent to the boundary with Fairview bungalow.

PLANNING HISTORY

The council's record show the following recent planning history for this site:

- **P/12/0207** - Erection of detached dwelling house – Approved: 17th October 2012
- **P/06/0397** – Erection of detached dwelling house – Approved: 22nd December 2006
- **P/05/0689** – Detached dwelling house – Refused: 23rd Feb 2006

Reason for refusal: *The proposed scheme constitutes an inappropriate form of development. The use of the land above the existing retaining wall as a garden/amenity area would give rise to overlooking into neighbouring properties, resulting in the loss of privacy to the occupiers of such dwellings, whilst the close proximity of rear ground floor windows to the 2.6 metre high retaining wall would not allow for a satisfactory level of living conditions for its future occupiers contrary to Policy H4 of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991- 2006 and Policy H2 of the Merthyr Tydfil Borough Local plan.*

- **P/05/0579** – Erection of dwelling on-site – Refused: 8th Dec 2005

Reason for refusal: *The proposed dwelling is an inappropriate form of development that would not provide a satisfactory standard of living conditions for its future occupiers due to the limited size of the garden/amenity area and due to the close proximity of its rear ground floor windows to a 2.6 metre high retaining wall, contrary to Policy H4 of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991- 2006.*

- **P/03/0437** – Single dwelling – Approved. 30th Oct 2003
- **P/97/0039** - Erection of detached dwellinghouse – Refused: 3rd Jul 1997

Reason for refusal: *The site is of insufficient size to permit the proposed dwelling to be positioned so as to safeguard the privacy of existing dwellings and to provide sufficient*

amenity space for the use of future occupiers. The proposal therefore constitutes an overdevelopment of the plot to the detriment of those residential amenities which could reasonably be expected to be enjoyed by the occupiers of adjoining properties and by the future occupiers of the proposed dwelling.

Appeal: APP/U6925/A/97/510956/T – Refusal of planning permission P/97/0039 for the erection of a detached dwelling house on land at Plot 4a Elwyn Drive, Twynyrodyn, Merthyr Tydfil – Appeal Allowed: 16th Oct 1997

CONSULTATION

Head of Engineering	No objection, subject to conditions.
Town Planning Division's Policy Officer	No objection.
Town Planning Division's Ecology Officer	No objection, subject to conditions.
Town planning Division's Landscape Architect	No response.
Environmental Health	No objection, subject to conditions.
The Coal Authority	No objection, subject to conditions.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, nearby occupiers were consulted on 2nd March 2020, and subsequently on the 9th March 2021, 14th June 2021 and 21st September 2021, following the receipt of amended/additional plans/information. Three notices were also displayed within the vicinity of the site. Eight letters of objection (from four separate objectors) were received following these publicity exercises. The main concerns raised have been summarised below:

- It is strongly recommend that planning permission is refused as a new dwelling on plot 4a would be a major intrusion on the privacy of neighbouring occupiers;
- There are concerns that the windows to the rear will have a direct line of sight into all the rooms of neighbouring property, Fairview Bungalow and if planning permission is granted we ask that any rear windows be fixed and fitted with obscure glass;
- The proposed windows by virtue of their unsympathetic design constitute incongruous additions to the property and are contrary to the general design and relevant policies;
- The proposed eastern windows, by virtue of the dwellings elevated position and close proximity to the common boundary with the property known as Fairview Bungalow, would give rise to overlooking to this neighbouring property, resulting in the loss of privacy to its occupiers, to the detriment of the residential amenity that they could reasonably expect to enjoy;

- The properties in the area are large and on spacious plots which do not have an overbearing impact on neighbours. This cannot be said for the proposed dwelling. It would not be in keeping with the wider street scene and does not accord with the relevant policies;
- It would result in the loss of light to the neighbouring property, 4 Elwyn Drive and would be served by very little amenity space, this being the raised area to the rear;
- The land is not entirely under the applicant's ownership. A large portion of the land is under the ownership of Mr Steve Jones (resident at 4 Elwyn Drive) and part of the land is unregistered contrary to what is declared in the application;
- The plot is extremely small to accommodate a 3 bedroom dwelling and is in close proximity to the boundaries of neighbouring properties;
- The two windows on the left elevation will be looking directly into 4 Elwyn Drive;
- The scale, siting and elevation do not match the size of the plot;
- The dwelling would be accessed by a private drive shared with 3 existing dwellings and the two vehicular car parking spaces to serve the proposed dwelling are narrow and would not allow the driver or passenger(s) to exit the car, given the proximity of the proposed house to the fence. As such, it would result in vehicles being parked alongside the driveway and gates of neighbouring property 3a Elwyn Drive and along the back garden wall of 3 Elwyn Drive. Given the gradient of the land, it would create an obstruction to 3a Elwyn Drive and would not allow for safe entry or exit;
- This is a very small plot of land with several owners and it is in fact land locked. Consequently, no access can be gained by the applicant;
- There are concerns as to how construction works would be carried out, off a private driveway, without inconveniencing the neighbouring residents, in particular, those at 3a, 2a, and 1a, Elwyn Drive;
- The forms state that the land is not contaminated, however the applicant is aware, due to repeated complaints, that there is Japanese Knotweed on-site.

Ward members were made aware of the objections received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.3 refers to good design and states that '*...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development,*

design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'

Paragraph 3.9 refers to character and states that '*...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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...'*

Paragraph 3.14 refers to context appraisal and states that these '*...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

Paragraph 3.55 states that '*...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'*

Paragraph 4.2.17 goes on to state that '*...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*

Paragraph 6.4.3 discusses biodiversity and states that '*...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'*

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW1: Provision of New Homes;

Policy SW3: Sustainably Distributing New Homes;

Policy SW4: Settlement Boundaries;

Policy SW9: Planning Obligations;

Policy SW11: Sustainable Design and Placemaking;

Policy EnW1: Nature Conservation and Ecosystem Resilience;

Policy EnW4: Environmental Protection;

- Supplementary Planning Guidance:

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)

Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary – Primary Growth Area. In such an area the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Indeed, a very similar proposal has been previously granted permission under planning applications P/06/0397 and P/12/0207. Thus, the main issues to consider when assessing this application, relate to whether the proposed dwelling, in terms of its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The application site, as noted above, is located within a cul-de-sac of similarly designed two-storey detached (1a Elwyn Drive) and semi-detached properties (2a and 3a Elwyn Drive) and would be located to the rear of 3 and 4 Elwyn Drive. These are the properties which share the closest relationship with the application site. It is noted that the proposed dwelling also shares a boundary with Fairview Bungalow, located to the east. However, given its proposed siting on a significantly lower ground level, its modest 6.5 metre ridge height (4.75 metre eaves height) and the existing vegetation/hedgerow along the dividing boundary, it would result in a development which would be largely screened from this neighbouring property. As such, the proposed dwelling would not have a dominant or adverse visual impact when viewed from the rear (east/southeast). The application site also shares a boundary with a garage/storage building, which is in a very poor state of repair and appears to be unused for a lengthy period of time, located to the south. Like the neighbouring property, Fairview Bungalow, this garage building is accessed from the lane off Penuel Street and as such is located at a significantly higher level to the application site. It is also divided from the site by a low timber fence. As such, the proposed dwelling would remain largely screened when viewed from this neighbouring site, and as such, would not have a dominant or adverse visual impact when viewed from the lane off Penuel Street.

The proposed dwelling would be sited on a small irregular shaped plot, however, its siting, design, layout and scale is considered acceptable within this context. The proposed dwelling, although a two-storey development, located approximately 1.4 metres above the ground level of the neighbouring dwelling 4 Elwyn Drive (located to the north), would have a low ridge height that would not exceed 6.5 metres. As such, the section submitted with the application indicates that its overall height would be similar to this property. It would also be approximately 1.8 metres lower than the height of 3a Elwyn Drive (which is located on higher ground level to the west). This, combined with its modest width and depth, would result in a proposed dwelling which would not dominate the street scene when viewed from within the cul-de-sac. Whilst its roof design differs to the other properties in the cul-de-sac, which comprise of half hipped roofs, it would be visually acceptable in this setting. Indeed, the design reflects the size of the plot and although much smaller in size, when compared to neighbouring properties, would not have an adverse impact on the character or appearance of the cul-de-sac. The property would feature a small front projection to allow for the provision of a ground floor WC and a 3rd bedroom at first floor. This would be similar to that shown on the front of the neighbouring dwelling, 1a Elwyn Drive. Furthermore, it breaks up the mass of the property and adds interest to the property's primary elevation. The proposed dwelling would be served by a front garden and vehicular

parking spaces along its northern side. Although small, the garden is adequate and this and the parking to the side of the dwelling would somewhat reflect the layout 1a Elwyn Drive and as such would be fitting to this context. In addition, the dwelling would be finished with matching material finishes to other existing properties. The proposal would therefore result in a proportionate and sympathetic form of development that would not have a significant adverse impact on the character and appearance of the area. As such, it would accord with LDP Policy SW11.

Residential Amenity

The proposed dwelling has been considered in respect of its impact upon the neighbouring adjoining dwellings, 3 and 4 Elwyn Drive, 3a Elwyn Drive and Fairview Bungalow, and these are the properties most likely to be affected by this proposal. As previously noted, whilst the property also shares a boundary with a dilapidated garage/storage building to the south, this appears to have remained vacant and unused for a significant period of time, is located at a significantly higher ground level and does not form part of an existing residential property. The proposed dwelling would also be sited approximately 4 metres away (at its closest point) from the dividing boundary and a further 3.3 metres from the building itself. Thus, given the siting, scale and design of the proposed dwelling, it would not have an adverse impact upon this neighbouring garage/store building and the proposal would therefore comply with LDP Policy SW11.

In respect of 4 Elwyn Drive, the proposed dwelling would be located to the rear (south) of this property. It would be sited approximately 3 metres from the established 2 metre high dividing boundary fence and a further 6.5 metres (at its closest point) from the neighbouring dwelling itself. Although it would be constructed on a ground level approximately 1.3 metres higher than this neighbouring dwelling, it would have a 6.5 metre ridge height and a 4.75 metre eaves height, with a roof design which slopes away from this neighbouring property. As such, the proposed dwelling, due to its combined roof height, roof design and distance from the boundary would not have a significant overbearing impact upon these adjoining occupiers. Whilst it is noted that there may be some loss of light that would result to the rear garden and windows of this neighbouring property, this would not be so detrimental to warrant the refusal of the application. The proposed dwelling would also not result in the loss of privacy to these adjoining occupiers, since the proposed first floor bathroom window (to its northern side elevation) would be conditioned to be fitted with obscure glazing. Likewise, due to the difference in ground levels between the application property and this neighbouring property, the ground floor side facing WC window would also be conditioned to be fitted with obscure glazing as part of any planning permission granted. Whilst the proposed garden area would include a raised section of land which is currently retained by an existing 2.2 metre high brick wall, this land is sloping and as such would not provide a flat or useable area other than for planting/landscaping or access/maintenance purposes. Furthermore, the retaining wall height along the eastern and southern boundaries (and a small part of the northern boundary) would be reduced from 2.2 metres to 1.8 metres in height, which would result in the land sloping down steeper from the east to the west, making this 2 metre wide (at its widest point) strip of land almost unusable. It should be noted that this area would be landscaped, details of which, would also be requested by condition as part of any planning permission granted. As such, the use of this elevated area would not cause a significant loss of privacy to these neighbouring occupiers. Thus, the relationship between the proposed dwelling and this neighbouring property would be considered acceptable and in accordance with LDP Policy SW11.

With regards to 3 Elwyn Drive, given its siting in relation to the proposed dwelling, there would be no significant loss of light, overbearing impact or loss of privacy. Thus, the relationship between the proposed dwelling and this neighbouring property would therefore be considered acceptable and in accordance with LDP Policy SW11.

In terms of 3a Elwyn Drive, the proposed dwelling would be sited at an acute angle to this neighbouring dwelling. It would be located approximately 1 metre (at its closest point) from the dividing boundary and a further 3 metres (at its closest point) from the neighbouring property itself. Furthermore, the dwelling would be constructed on a lower ground level and its ridge height would be approximately 1.8 metres lower than that of this neighbouring property. As such, the proposed dwelling would not have a significant overbearing impact upon this neighbouring property. Furthermore, given its siting to the front and the north east of 3a Elwyn Drive, the proposed dwelling would not result in any significant loss of light to the front, side or rear garden areas or the front windows serving this neighbouring dwelling. Similarly, it would not cause any significant loss of privacy to these adjoining occupiers, since the proposed first floor side facing bedroom window, would be located on the rear part of the side elevation (approximately 4.8 metres from the front elevation), and as such would not provide any direct overlooking into the neighbouring dwellings side or rear garden. Furthermore, given the absence of windows to the side elevation of this neighbouring property, the first floor bedroom would not overlook any habitable rooms. Thus, the relationship between the proposed dwelling and this neighbouring property is considered acceptable in this instance and would accord with LDP Policy SW11.

Having considered the impact upon Fairview Bungalow, the proposed dwelling would also be considered acceptable. The dwelling would be sited approximately 4.2 metres away from the dividing boundary, consisting of an approximately 1.4 metre wide hedgerow, with this neighbouring dwelling and a further 10 metres (at its closest) point from the neighbouring dwelling itself. In addition, as discussed earlier, Fairview Bungalow is located at a significantly higher ground level to that of the proposed dwelling. Thus, the proposed dwelling's siting at a significantly lower ground level, combined with its low ridge and eaves height, with a roof design that slopes away from this dividing boundary would ensure that the proposed dwelling does not have a significant overbearing impact upon this neighbouring property. Furthermore, any loss of light which would result from the proposed dwelling upon the rear garden of this neighbouring property would be minimal and mainly during the late evening. In respect of loss of privacy, the proposed dwelling's eaves height would not exceed the height of the dividing boundary hedgerow and in any event, there are no proposed rear first floor windows and as such, the private amenities of these adjoining occupiers would therefore be safeguarded. With regards to the 2 metre wide raised section of land which would form part of the rear garden area to serve the proposed dwelling, it should be noted, as referred to previously, that this slopes down from east to west and as such would be unusable other than for planting/landscaping or access/maintenance purposes. As such, the use of this land for access or planting, would not cause any significant loss of privacy to these occupiers. The relationship between the proposed development and this neighbouring property would therefore be acceptable and comply with LDP Policy SW11.

Ecology

The site consists of an area of grassland habitat within a residential area where there are local records of protected species such as bats, birds and hedgehogs. The proposed development therefore has the potential to impact upon priority and protected species. As such, a brief daytime walkover ecological survey was requested in order to investigate the

impacts of the works upon protected species. The report (BE Ecological Technical Advice Note) was received on 28th July 2020 and recommends compensation and enhancement measures in association with the proposed development. It has been reviewed by the Council's Ecologist who has not raised any objections provided that the development is carried out in accordance with the recommendations set out in the report (which would be secured by condition as part of any planning permission). The proposed development would therefore comply with LDP Policy EnW1.

Parking and Highway Safety

The proposed dwelling, as noted above, would be served by two on-site tandem parking spaces. Each of the spaces would measure 2.5 metres wide by 4.8 metres deep and, as such, would be adequate in term of size. Furthermore, a condition requesting that the parking is laid out as shown on the submitted plan and completed prior to the occupation of the dwelling, could form part of any planning permission granted. In terms of the access road, the dwelling would be served by a private access lane off Elwyn Drive, which currently only serves 3 other dwellings. As such, with this property, it would be serving a total of 4 dwellings and its use in association with the proposed dwelling would therefore be considered adequate in this instance. Although it is appreciated that a new dwelling would result in additional traffic movements within this small cul-de-sac, it is not considered that the movements associated with only one other dwelling would be so significant that it would adversely impact upon pedestrian and highway safety. Indeed, the Head of Engineering has considered this proposal and has not raised an objection. It is therefore concluded that the traffic movements and parking requirements associated with this three bedroom dwelling could be accommodated within the cul-de-sac and would not give rise to significant issues concerning highway or pedestrian safety. Thus, the proposed development would be considered acceptable and would accord with LDP Policy SW11.

Planning obligations

Policy SW9 considers the requirements for planning obligations. Since the proposal relates to a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing would not be sought in this instance and the proposed development would therefore comply with LDP Policy SW9.

Responses to Representations

Many of the concerns raised by objectors have been addressed in the report. With regards to other concerns, the following is noted:

- Land ownership is not a planning consideration. This is a civil matter between the applicant and other parties involved. However, in line with the legislation, it should be noted that based on the details provided the applicant has served notices on the relevant land owners;
- Construction works associated with this proposal are likely to occur in the short term, as with the construction of any other development. A condition restricting the times which works can be carried out could form part of any planning permission granted.

CONCLUSION

The proposed dwelling, for the reasons outlined above, would result in an acceptable form of development in accordance with the relevant policies and should therefore be approved.

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:

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:

- Job Title: Detached Dwelling House, Drawing no: 2696 NB, received: 9th June 2021;
- BE Ecological Ltd, Technical Note, received: 28th July 2021.

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

3. **Prior to the commencement of development**, a plan indicating the positions, height, design, materials and type of boundary treatment, including any pedestrian or vehicular gates, 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.

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. 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 additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

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

6. Notwithstanding the provisions of schedule 2, Part 1, Class A 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 enlargements, improvements or alterations (including the addition of any first floor rear windows) shall be carried out to the dwelling other than those expressly authorised by this permission.

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

7. Notwithstanding the provisions of Schedule 2, Part 1, Class 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 buildings shall be erected other than those expressly authorised by this permission.

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

8. Before the development hereby permitted is brought into use, the ground and first floor windows on the northern side elevation serving the WC and the bathroom, 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 County Borough Council Replacement Local Development Plan.

9. **Prior to the commencement of development**, the existing brick walls retaining the elevated land to the east and south of the site shall be reduced to 1.8 metres in height (as indicated on plan Job Title: Detached Dwelling House, Drawing no: 2696 NB, received: 9th June 2021) in accordance with full constructional and facing material details, which shall be first, submitted to and approved in writing, by the Local Planning Authority. The works to the retaining walls shall be completed prior to the occupation of the dwelling.

Reason - In the interest of residential amenity, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council 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 for the elevated land, retained by the brick walls, to the east and south of the site. 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 in the interest of residential amenity, to accord with Policy SW11 of the Merthyr Tydfil County Borough Council 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 residential amenity, to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

13. The car parking areas to serve the proposed dwelling shall be completed as shown on plan, Job Title: Detached Dwelling House, Drawing no: 2696 NB, received: 9th June 2021, prior to the occupation of the dwelling and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the private/shared access road, in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

14. 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.

15. **No development shall take place**, or any demolition works or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

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

16. **No development shall commence** until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning

Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason - To ensure that the proposed development does not pose a risk to surface stability, in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

17. Where the findings of the intrusive site investigations (required by the condition 16) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason - To ensure that the proposed development does not pose a risk to surface stability, in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

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

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

19. Should the Phase 1 Contamination investigation carried out under condition 18 identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.

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

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

The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA

and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11"

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

Reason - To ensure the risks from land contamination to future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

20. Should Land Contamination Remediation Works be identified as necessary under condition 19, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

Reason - To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

21. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

22. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (or validation report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval.

The approved monitoring and maintenance programme shall be implemented.

The verification report shall be prepared by a third party and a "competent person".

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

23. Prior to the commencement of development the following samples/details shall be submitted to and approved in writing by the Local Planning Authority:

- roof tile;
- external brick;

The 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 in the interests of visual amenity and to accord with Policy SW11 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.

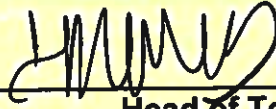
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

3/11/21