

DELEGATED REPORT

Application No:	P/20/0289
Site Address:	2 Somerset Lane Cefn Coed Merthyr Tydfil CF48 2PA
Development:	Demolish existing bungalow and construct new five bedroom dwelling with garage
Case Officer:	Caroline Pulley
Site Visit:	3rd December 2020
Application Expiry Date:	11th October 2021
Consultation reply date expired:	7th September 2021

APPLICATION SITE

The application site comprises a detached bungalow and garage located off Somerset Lane in Cefn Coed. The dwelling fronts south towards the side elevation of a two-storey detached property named Meadow View. It is positioned broadly within the centre of the site and approximately 8m west of the highway known as Somerset Lane. It is bound by residential properties to the north, south and west.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a single dwelling and a garage on the site of the existing bungalow. The present bungalow is 13.2m wide, 7.3m deep and 5m high with a pitched roof. It is positioned minimum distances of 2.5m from the western boundary, 2.2m from the southern boundary and 1.6m from the rear boundary (as highlighted by the details provided on drawing SL-02 Rev A). Its detached garage fronts onto Somerset Lane and is set back from the eastern roadside boundary by 1.9m.

The proposed dwelling would be constructed 450mm below the damp proof course (DPC level) of the existing house. Its front elevation would face south towards the side boundary of the neighbouring property Meadow View. It would measure 16m in width and 8m in depth with first floor accommodation being provided in the roof space. Its pitched slate roof would have a ridge height of 6.9m and an eaves height of 3.5m. The garage building would be attached to the east facing gable of the main property. It would measure 6.8m wide, 5.9m deep and 2.8m in height with a flat roof. The length of the proposed dwelling and garage combined would be 22.8m.

The main living area would be accommodated on the ground floor with five bedrooms (one with an en-suite bathroom) being provided on the first floor of the dwelling. The dwelling would incorporate a glazed gable feature and a patio door on its east facing elevation.

The southern front elevation of the main dwelling would contain two sets of patio doors and an entrance door, all serving an open plan kitchen/family room. A single access door would be provided within the western elevation. The north facing rear elevation would not feature any windows. However, four skylight windows are proposed within the south facing and north facing roof plane of the dwelling. The external walls of the dwelling and garage are to be finished with timber cladding and the windows and doors are to be black aluminium. The roof material proposed for the garage has not been provided at this stage but it is noted that the garage doors would have a timber clad finish.

The main entrance to the dwelling appears to be served by a doorway located in the front south facing elevation of the proposed garage. However, as highlighted above, there are two other access doors proposed to serve the dwelling (one being located along the south facing elevation of the main dwelling and the other being positioned within the west facing gable end of the property).

In terms of boundary treatments, a 1.6m high timber fence would be provided to the outside edge of the retaining wall which is located along the southern boundary. A new 1.8m high timber fence is also to be located on the inside of the existing stone wall which divides the western boundary. The timber fence located to the north of the site is shown as being retained. However, the plans detail a new 1m high retaining wall to be erected along the boundary line (on the inside of the existing fence). The eastern roadside boundary would feature a 4.8m wide driveway opening. The remaining part of this boundary would be formed by the side wall of the proposed garage and a 1m high wall.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Ecological Appraisal.

This application relates to a revised proposal following the refusal of application P/19/0310 for a two-storey dwelling and garage.

PLANNING HISTORY

P/19/0310	Demolish existing bungalow and construct three bedroom, two storey house with detached garage Refused – 24.01.2020
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CONSULTATION

Head of Engineering:	No objections subject to conditions relating to ground conditions and design details of any retaining walls above 1m in height.
Welsh Water:	No objection subject to a condition relating to no surface water connecting with the public sewerage system. It is also highlighted that the site is crossed by a public sewer.
Environmental Health Manager:	No objection.
Planning Division's Policy Officer:	No objection.

Planning Division's Ecologist:

No objection subject to all mitigation, compensation and enhancement measures being implemented.

PUBLICITY

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

Two letters of objection (one letter written on behalf of the owners/occupiers of two separate properties) was received as a response to the first publicity exercise. The key concerns raised as summarised below:

- The fenestration to the south facing flank elevation of the dwelling overlooks the neighbouring property from an elevated position;
- A five bedroom house on this site appears to be overdevelopment, leaving little amenity space;
- The internal layout appears to be more suited to a house in multiple occupation;
- It is highlighted that there have been issues with regard to the boundary lines between the application site and the boundaries to adjoining properties. While the writer acknowledges that this is not a matter for the Council, concern is raised that where the building is proposed close to the boundary, it is likely to be problematic particularly if combustible material such as timber cladding is proposed;
- There is concern that the development due to its scale, height and siting would have a negative and overbearing impact on the property known as Chelford (to the west). Additional concern is raised that the proposal would also result in a loss of light and privacy to this dwelling.
- The development is out of context with adjoining properties and others in the vicinity.

Following the submission of amended plans, a second publicity exercise was carried out and as a result, a second letter was received from the resident of the property known as Chelford (to the west). In this letter, the writer explains that despite the changes to the scheme, the same concerns exist in relation to the proposal.

Ward Councillors have been contacted and have not objected to the application being determined under delegated powers by the Chief Officer of Planning and Neighbourhood Services.

POLICY CONTEXT

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 sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

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

TAN 5: Nature, Conservation and Planning provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

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...*'

Local Policy

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

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy CW2 – Cyfarthfa Heritage Area

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

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

Policy EnW4 – Environmental Protection

Other Material Considerations – Supplementary Planning Guidance (SPG):

SPG1 - Affordable Housing, March 2012

SPG2 – Planning Obligations, March 2012

SPG4 - Sustainable Design, July 2013.

SPG5 - Nature and Development, May 2015

PLANNING CONSIDERATIONS

Full planning permission is sought for the demolition of the existing bungalow and garage and the construction of a replacement single dwelling and garage. The application site is situated within the defined settlement limits and within an established residential area where the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the area
- The impact of the development on the amenity of neighbouring residents
- The highway/pedestrian safety implications of the development.

Character and appearance of the area

The previous application (P/19/0310) for a two-storey flat roof dwelling and garage was refused planning permission on the ground that the proposal would have resulted in an insensitive form of development, which would have a harmful visual impact on the surrounding area. Whilst it was accepted during this application that the surrounding area is diverse in character, it was considered that the dwelling due to its scale and its flat roof and bulky design, would appear as an incongruous and jarring feature in the street scene.

The siting of the proposed dwelling between two existing properties, albeit, having a limited frontage towards Somerset Lane, is acceptable and would follow the general pattern of development in the area. The proposed roof design is also now in keeping with the other houses along Somerset Lane. While it is noted that the proposed dwelling would be higher than the previously refused dwelling, its pitched roof design significantly reduces the overall bulk and mass of the dwelling. As such, the overall design of the proposed dwelling is deemed acceptable.

The concerns raised by residents that the development would result in the overdevelopment of the site, leaving little amenity space are acknowledged. However, the existing bungalow is nestled within the small rectangular plot and although the proposed dwelling would have a larger footprint, the increase in scale would not be so significant as to cause material harm to the character and appearance of the area. Also, due to the restricted nature of the plot, the amount of useable amenity space would not be dissimilar in nature to the existing arrangement.

There is some concern that the timber finish proposed for the exterior of the dwelling and garage would be somewhat alien to the area as the predominant material utilised is render. While this is a concern, the properties in the area do vary significantly in terms of their design and their external appearance. Taking this varied character into account, the finish of the dwelling would not appear overly out of context in the street scene nor would it have a significant visual impact on the character and appearance of the area. However, a condition is recommended to ensure that a sample of the cladding is approved by the Local Planning Authority before works start.

Therefore the proposal is considered to be of an appropriate design and complies with Policy SW11 of the LDP.

The impact of the proposal on the residential amenity of neighbouring residents

Turning to the impact of the proposal on the residential amenities of the neighbouring properties and the objections that have been raised to the scheme, it is acknowledged that the site is sandwiched between four properties and is currently occupied by a modest scaled bungalow which extends to a height of 5m. Due to the constricted size of the plot and its close relationship with neighbouring properties, careful consideration has been given to the concerns raised by residents and the potential overlooking, overshadowing and overbearing impacts that may arise as a result of this scheme.

Firstly, the proposed garage would be sited in a similar position to the existing garage building. In this location, it would not have an adverse impact upon the residential amenities of neighbouring dwellings. Moreover, the garage would be sited alongside another garage and its height would be limited to 2.8m. The proposed dwelling would be pushed back into the site and consequently, would be sited tight to the northern boundary of the plot. However, as the proposal would be sited closer to the western boundary, a greater extent of the property would face onto the rear garden and conservatory of Meadow View. Despite being 1.9m higher than the existing bungalow, the proposed dwelling would be stepped back from the southern boundary by approximately a metre. As such, it is not considered that it would have a significant overbearing impact on Meadow View. Moreover, being positioned to the north of this neighbouring property, there would be no significant loss of light or overshadowing impact (to Meadow View) as a result of this development. The overlooking concerns raised by the occupiers of this neighbouring property have also been considered through the course of this application. In this respect, it is noted that Meadow View is positioned approximately 2m below the existing garden level of the application property. The boundary between the two dwellings is currently formed by a brick retaining wall and the timber posts and frame of a previous wooden fence. As a result of this development, a new 1.6m high solid close board timber fence would be positioned on top of and along the outside edge of the existing retaining wall. This fence would ensure that no overlooking occurs from the patio doors and the entrance doors proposed within the front elevation of the dwelling. The four skylight windows proposed within the front roof plane would be positioned 1.7m above the internal floor level of the house. As such, these windows would not afford a harmful level of overlooking. As such, the proposed development would not adversely impact on the existing levels of amenity and privacy currently enjoyed by the occupiers of Meadow View.

With respect to the property to the north, Alltyn, there would be no adverse overlooking issues as the rear elevation of the proposed dwelling would not contain any windows. Again, the four skylight windows proposed within the roof plane would be positioned 1.7m above the internal floor level of the house. As such, these windows would not afford any significant overlooking. Notwithstanding this, it is acknowledged that the proposed dwelling would be sited hard on the boundary with this property. Due to its close siting and additional roof height (when compared to the existing bungalow), there would be some additional impact to this dwelling. However, given that rear elevation of Alltyn is angled away from the dividing boundary and the walls of the proposed dwelling would be positioned below the garden level of Alltyn, it is not considered that the dwelling would result in a harmful level of overshadowing or overbearing impact on this neighbouring property.

The impact of the development upon the neighbouring properties situated to the west of the site has also been considered. It is noted that overshadowing and overbearing concerns have been raised by the occupiers of one of these properties (Chelford). While it is accepted that the development would have some impact on both of these properties, it is considered that Chelford would be most affected by the proposal. The rear boundary of Awelfryn only straddles across part of the application site boundary and there is a small timber outbuilding located within the south-eastern corner of its rear garden. Awelfryn is also on a higher level to Chelford and this further reduces the potential overshadowing or overbearing impact that the proposed dwelling may have on this property. Additionally, as only the rearmost part of the dwelling would extend across the rear boundary of Awelfryn, only the lower part of the dwelling would lie adjacent to this property. Taking these factors into account, the development would not give rise to impacts which would be unduly harmful upon the amenities currently enjoyed by the occupiers of Awelfryn.

Chelford to the south is sited on a slightly lower level to the application site. The existing bungalow extends across a substantial part of its rear boundary and there is quite a large living room window in the elevation which directly fronts onto this neighbour's garden. Although the side wall of the existing bungalow is partially obscured by a stone wall, the bungalow and the side window is intrusive and overbearing on the neighbour's property. The proposed dwelling would be situated closer to Chelford than the bungalow's existing western elevation, with the gap reducing from around 2.6m to around 1.8m. Whilst the proposed dwelling would clearly be of a larger scale and height, it is important to acknowledge that, whilst it would be situated closer to Chelford, the proposed dwelling would be set back into the site (i.e. closer to the northern boundary). Therefore, the rearmost part of the dwelling would lie further to the north and would extend across part of the rear garden of the neighbouring property, Awelfryn. The positioning of the proposed dwelling would also mean that additional mass and bulk of the dwelling would be located in the north-eastern corner of Chelford's rear garden where the land is raised slightly above the level of the neighbour's lawn. On the other side of the neighbour's rear garden, which lies adjacent to the lawn, the outlook from the neighbouring property would be improved slightly as the boundary would be opened up, as the dwelling would be pushed back further north into the application site. Whilst it is fully accepted that the additional height and bulk of the dwelling would have an impact on Chelford, the views from this neighbouring property are already dominated by the bungalow. Taking into account, and the fact that an element of existing overlooking between the two properties would be removed by this proposal (through the loss of the existing side facing window), it is considered that the development would avoid any significant harmful overbearing impact. Also, whilst it is appreciated that the dwelling would result in some additional loss of light to Chelford, this impact would be limited to the morning and is not considered to be so harmful as to warrant the refusal of planning permission.

Having regard to the above, the proposed development would accord with Policy SW11 of the LDP.

The highway/pedestrian safety implications of the development.

The proposed dwelling would be accessed directly off Somerset Lane which is adopted. The Head of Engineering does not consider that the proposal would be detrimental to highway or pedestrian safety and has therefore not raised an objection. The off-street parking proposed is also considered sufficient for a dwelling of this size. The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic within the wider site. As such, the proposal complies with Policy SW11.

Ecology

As the scheme proposes the demolition of the existing bungalow and there are known records of for protected species e.g. bats (including multiple nearby roosts), birds (including Schedule 1 species), Badger, Hedgehog, Otter, amphibians, invertebrates) within 500m, the Council's Ecologist requested the submission of a Preliminary Ecological Appraisal of the site. This highlighted that the existing bungalow is of low potential for roosting bats. As such, the Council's Ecologist requested the undertaking of a single bat activity survey. The survey undertaken on the 10th August 2021 highlights that no bats were identified using the bungalow for roosting purposes. As such, the report recommends that works can proceed on the site. On site enhancement measures

proposed as part of the scheme includes the siting of two Vivara bat tubes (to the eastern gable) and an integrated bird box (to the western gable). Having regard to the enhancements and mitigation measures being put forward with this application, the Council's Ecologist raises no objection to the scheme.

Drainage

Welsh Water has advised that the site is crossed by a public sewer and there should be no lowering or raising of ground levels within 3m of the safety zone. Their records indicate the line of the sewer running to the front of the existing garage. While this is not a matter which would justify the application being refused, the developer will need to liaise with Welsh Water independently prior to the commencement of works on the site. Depending on the exact location of the sewer, the developer may need to look at diverting the line of the sewer. This matter falls outside the planning process. It should also be noted that surface water drainage for new developments will have to comply with new legislation relating to sustainable drainage. This will require the development to submit a separate SAB (Sustainable Drainage Approval Body) application to the SuDs approval body.

Other matters raised during the publicity exercise not addressed above

The concern raised that the layout of the proposed dwelling is more suitable to a house of multiple occupation (HMO) is noted. If the applicant did wish to utilise the property as a HMO in the future, planning permission would be required to change the use of the property to a C4 or Sui-Generis use.

The concerns raised in relation to issues that have been experienced in the past with the boundary lines has also been noted. The granting of planning permission does not override the rights of the landowner or remove the need to obtain any other consent that may be necessary (i.e. consent under the Party Wall Act for works on the boundary), nor does it imply that such consents will be forthcoming. Notwithstanding this, the matter concerning works on the boundary can be brought to the applicant's attention by adding an informative note to the decision. It should also be noted that the applicant would need to obtain Building Regulations approval for the development, which would cover the structural aspect and safety of the build.

The comments raised by the Head of Engineering regarding investigation of the ground conditions are noted. However, such matters would be dealt with under Building Regulations. As such, it is not necessary to control this matter through this planning application.

Conclusion

Taking into account the above, the proposal is deemed to be acceptable in terms of highway safety, parking and both visual and residential amenity. As such it is in accordance with the LDP, namely Policies SW4 and SW11 of the LDP.

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

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 no. SL-09 Rev A Existing and Proposed Sections 4-6 and D-F received on 27.04.2021

Drawing no. SL-11 Rev B Proposed West Elevation received on 28.10.2021

Drawing no. SL-04 Rev D Proposed Site Plan received on 29.07.2021

Drawing no. SL-08 Rev A received on 27.04.2021

Drawing no. SL-05 Rev H Proposed Elevations received on 01.09.2021

Drawing no. SL-07 Rev B Existing and Proposed House Section received on 27.04.2021

Drawing no. SL-10 Rev A Proposed Vehicle Turning received on 27.04.2021

Existing and Proposed Site Plan received on 17.05.2021

Proposed Block Plan received on 27.04.2021

Drawing no. SL-03 Rev A received on 27.04.2021

Ecological Appraisal Issue 1VD received on 24.09.2021

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

3. **Prior to the construction of the development hereby approved** samples/details 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 County Borough Council Replacement Local Development Plan.

4. 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.

5. **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 .

6. **Prior to the construction of the dwelling hereby approved** details of a scheme for the disposal of foul water shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

Reason - To ensure adequate disposal of foul water drainage in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. 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 Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Notwithstanding the provisions 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 windows, extensions, roof extensions, roof lights or outbuildings shall be inserted/erected other than those expressly authorised by this permission.

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

9. Prior to the occupation of the dwelling hereby approved, the 1.6m high timber fence proposed along the southern boundary of the site (as shown on drawing numbers SL-04 and SL-05) shall be erected in accordance with the approved details and retained in perpetuity.

Reason - To protect the amenities of the neighbouring property in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. **Before any works commence on site**, details of a method(s) to control dust emissions during the demolition/construction phases of the development shall be 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 residential amenity in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. 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.

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 Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

5. 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.

6. The applicant's attention is drawn to the comments and advice received from Welsh Water during the application process. The proposed development is crossed by a public sewer. The developer is advised to contact Welsh Water on 0800 917 2652 **BEFORE** works start.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps 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. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

7. No surface water should be allowed to discharged onto the public highway.

The developer is also advised to contact Merthyr Tydfil County Borough Council Highway's Division regarding any retaining works or other works affecting the highway **BEFORE** construction works commence. This approval is independent of any approval of planning permission.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

12/11/21