

DELEGATED REPORT

Application No:	P/22/0027
Site Address:	Land To The West Of Gethin House Newton Street Abercanaid Merthyr Tydfil CF48 1PJ
Development:	New dwelling
Case Officer:	Marlene Ferreira
Site Visit:	17th February 2022
Application Expiry Date:	21st March 2024
Consultation reply date expired:	19th February 2024

APPLICATION SITE

The application site relates to a plot of land, measuring approximately 0.0415 hectares, located to the west of Gethin House, in the area of Abercanaid. The application site slopes down from west to east and is accessed by a private lane and designated Public Right of Way/Bridleway that leads off Gethin Place. The lane also serves Gethin House (located to the east of the application site) and four detached bungalows (located to the north and northeast of the application site). The site abuts the private access lane to the north and sloping vacant land to the south.

The site was previously overgrown and housed a detached stone barn, used as a storage facility for roofing materials, but this has now been demolished. It was formerly enclosed by high palisade metal fencing and left unmaintained for some time. However, following the approval of application P/19/0006 on the 9th April 2019, for the erection of a detached dwelling, the land was cleared and foundations were laid. It is noted that boundary walls to the south and west of the site have also been constructed.

PROPOSED DEVELOPMENT

This application seeks full planning permission to construct a detached two-storey dwelling.

The property would feature four pitched roof dormer windows to the front elevation, 3 of which would form part of the main dwelling and one of which would form part of a side projection that would be set down and set back from the front of the property. The dwelling would measure 16.65 metres wide (including the side projection), 8 metres deep, with a 7.8 metre ridge height. The main dwelling, at ground floor, would comprise a hallway/staircase, lounge, kitchen/dining/living area, with a utility room, shower room and snug within the side projection. At first floor, the main dwelling would comprise 4

bedrooms, with an en-suite/wardrobe area (to serve the master bedroom) within the side projection.

The dwelling, to be finished in render and stonework elevations (side projection only), grey artificial slate tiles, and grey aluminium windows, would be positioned at a slight angle on the plot, and would be served by a northern front garden area and a smaller southern rear garden area. Two vehicular spaces would be provided at the front northeastern corner of the site, just off the private lane.

It should be noted that this application dwelling, whilst located further back in the site, it is very similar to the development as approved under planning permission P/19/0006, since the dwelling is of a similar scale and design. This application has been submitted following the receipt of two complaints to the Council's Enforcement Section, which noted that works had commenced on-site prior to discharging the relevant conditions. The Council's Enforcement Officer investigated the complaints, under cases PE/20/0020 and PE/21/0090, and found that the development had indeed commenced and that foundation works carried out failed to accord with the approved plans (under planning permission P/19/0006). This application has therefore been submitted to assess the development, as now proposed. It should also be noted that the application, when originally submitted, included a rectangular parcel of land to the west. This was intended to be used as additional garden space to serve the dwelling. However, it has now been removed from the application and the application site remains the same as that previously submitted (under application P/19/0006).

PLANNING HISTORY

The following planning history is relevant to this site:

- P/19/0006 – New detached dwelling – Approved: 9th April 2019
- P/15/0431 – Erect new dwelling – Approved: 29th February 2016

Other relevant history:

A nearby plot, 2, Abernant Y Gethin, had planning permission refused for outline planning permission for a detached dwelling, as follows:

- P/03/0442 – 2, Abernant Y Gethin, Abercanaid: Single dwelling (Outline) – Refused: 27th October 2003

'...Reason for Refusal: The highway network serving the application site is considered to be sub-standard and incapable of serving further residential dwellings without detriment to highway safety, contrary to policies H3 and H4 of the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991-2006 and Policy H2 of the Merthyr Tydfil Borough Local Plan...'

An appeal (APP/U6925/A/03/1134777) against this decision was allowed on 8th March 2004. The Inspector concluded:

'..The westernmost section of the access route linking the site with Gethin Street currently only serves four dwellings, Gethin House and 1 to 3 Abernant-Y-Gethin. Although it is only single track in width, it is fairly short in length and has a gentle gradient. The easternmost

section of the access route linking the site with Gethin Street currently serves the above four dwellings, together with Rose Villa (18b Gethin Street), a detached garage located opposite Rose Villa and a number of garages/parking areas to the rear of the dwellings in Gethin Street. Although part of it is relatively steep, apart from a possible pinch point approximately half way along, it is wide enough for two cars to pass each other, has reasonable forward visibility and is surfaced in a bituminous bound material.

The proposed access route might not meet current design standards, but I am nonetheless satisfied that it is not so bad that its use by additional vehicular traffic that would be generated by a single dwelling would be materially detrimental to highway safety on it. The proposal would not, therefore, conflict with Structure Plan Policy H3 or Local Plan Policy H2...'

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Officer	No objection.
Ecology Officer	No objection subject to conditions.
Environmental Health Manager	No objection, subject to conditions.
Public Right of Way Officer	No objection.
Welsh Water/Dwr Cymru	No objection, subject to conditions.
The Coal Authority	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and two notices were displayed within the vicinity of the site. Seven letters of objection have been received as a result of the publicity undertaken. The comments received have been summarised below:

- Loss of privacy since the proposed first floor windows would be looking into garden/driveway and kitchen of neighbouring dwellings;
- Property is large and overbearing and could result in loss of sunlight/daylight;
- The property is not in keeping with other existing properties and continues to be too large for the plot;
- This development would cause significant noise and disruption to all neighbouring dwellings and cause obstructions/prevent access to neighbouring properties since the lane is very narrow;
- The lane is privately owned by the residents of the bungalows. We question whether the land to the west (application site) also have rights to the access lane;
- There are no utilities in the area to cater for another dwelling;
- The access lane is not suitable for heavy goods vehicles, required to supply the build;

- There are utility services under the land and telephone wires which could be damaged as a result of the work and cause inconvenience for other residents;
- The lane already has a problem with surface water and additional tarmac will exacerbate problems within the lane and to neighbouring residents;
- Welsh Water have previously prevented a neighbouring resident from accessing the lane with building materials due to potential damage which could result to their underground pipes;
- The Welsh water pipework serving my property runs under the access lane and is susceptible to damage should this development go ahead;
- There is no room for lorries to turn around. Damage has previously been caused to pipes, driveways, boundary walls and telephone wires of other residents due to the unauthorised use of the lane by heavy goods vehicles;
- The retaining wall of our driveway was previously damaged due to the use of the lane by a heavy goods vehicle;
- The proposed development will mean that the access road would be dug up for utilities to be supplied. This would increase traffic, blocked roads and restrict access for emergency services as well as other properties, some of which are parent/children households and others who have district nurses visiting their homes on a daily basis;
- Gethin House is located at a lower level to the application site. The position and size of the dwelling will significantly impact on the amount of natural light Gethin house and its back garden will receive which will greatly impact on the enjoyment of my house;
- The property may be 'smaller' but it is still very close to my property;
- The plans do not indicate a mean of disposal for foul sewerage. The existing sewerage chamber is unfit for purpose. It sits on my land and I will not give consent to my garden being dug up or any disturbance to my property due to this;
- The incline at the rear and side of Gethin House is unstable and has been neglected over time. Underneath the incline there is a tunnel dating back to 1840's from which the water from the mountains and previous coal mines flows and the stream has never dried up. Any works nearby is capable of destabilising this resulting in flooding and damage of nearby properties. If this happened, who would be responsible. I am currently in discussions with a councillor to find out who owns this and to prevent catastrophic damage to my property, whilst the planning department is giving them consent to disturb the incline;
- This application, including other historic approvals, have resulted in worry, anxiety and stress for myself and other family members;
- I despair at the inconvenience, mess, noise and disruption this proposed application is going to have on our lives and our health and wellbeing.
- Who will be liable for the cost of repairing the lane when the inevitable damage has occurred. It is unfair for existing residents to cover the costs of any damage;
- I want written assurance regarding compensation if our access lane and utilities are disrupted and for any damage to my property;
- Due to the logistical complications listed, how is it possible that planning permission for the proposed development has been approved;
- The plans now show additional green land/garden space, but where is this coming from?
- The applicant seeks to demolish my wall on my hardstanding and I will not allow this to happen;
- The plans show a gap on my rear boundary wall and I will not allow my rear boundary wall to be removed;

- Who will maintain the hedge/panting and fencing shown on the plans?
- The applicant's illegally built over a Welsh water foul pipe;
- It is proposed to use the sewer on my property, yet I won't allow anyone to come onto my property without any prior notice, at my convenience. I will not allow any illegal trespassing which has already occurred on many occasions;
- The dwelling is closer to the incline at the rear. Is this not a risk to the destabilisation of the incline?
- The archway at the top of the access lane is Grade II listed (Cadw ID 817510) and will come under threat from heavy lorries driving up to the site;
- These are valid reasons of concern yet the planning department continue to grant planning permission;

Ward members were advised of the objections received but have not requested that the application be reported to the Planning Committee. As such, the application will be determined, under delegated powers, by the Director of 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 12 (February 2024)

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 addresses brownfield sites and explains 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 4.2.18 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...’*

- Technical Advice Notes (TANs)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *‘...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...’*

TAN 12 – Design (2016)

This TAN advises that the Welsh 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. Section 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...’* Section 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 Planning Policies

- Merthyr Tydfil Local Development Plan 2006-2021

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 (SPG):

SPG1 - Affordable Housing, March 2012
SPG2 – Planning Obligations, March 2012
SPG4 - Sustainable Design, July 2013
SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The issues to consider when assessing this proposal relate to whether the dwelling, as proposed, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of residential development is considered acceptable and is generally supported by LDP policy SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Indeed, a detached dwelling has previously been granted planning permission on this site under planning applications P/15/0431 and P/19/0006.

Character and Appearance

The application site, as noted previously, lies immediately to the west of the rear boundary serving Gethin House, a two-storey dwelling (formerly a public house, which has been extended over time) and to the south of four detached dormer bungalows. Further east, the character of the area is made up of traditional two-storey terraced dwellings located along Newton Street and Gethin Place. The surrounding context is therefore varied, given that the existing properties within the immediate vicinity of the application site differ in their layout, scale and appearance.

The plans submitted indicate that the proposed dwelling, whilst re-sited on the plot, continue to relate to a development which would be of a very similar scale and design to that approved under planning application P/19/0006. Whilst its ridge height has been reduced slightly, its overall scale, dormer features and finishes on the side projection, would amount to an acceptable development which would appear compatible within this varied context. Indeed, the amended finishes proposed to the side projection which now relate to a stone finish (as opposed to the originally proposed hanging tiles) would appear more sympathetic to the appearance of the dwelling. Similarly, the orientation of the dwelling within the plot, which was formerly positioned at an angle to the access road, would now be re-sited to face the lane and set back further into the site, which would create a more prominent street frontage and result in a better relationship with the street. It is noted that the proposed dwelling continues to include flat roof rear dormers, however, these would be largely screened from surrounding views given their siting on the rear

elevation and as such, would not warrant the refusal of the application on this basis. The proposed development, as amended, would therefore be deemed an appropriate form of development fitting to the surrounding built environment and would therefore accord with LDP Policy SW11.

Residential Amenity

The greatest impact from the proposed dwelling, in respect of overlooking, overbearing, loss of light and privacy, would be to the bungalow located to the north of the application site, 1 Abernant Y Gethin and to the two-storey dwelling located to the east of the application site, Gethin House.

The proposed dwelling would be located approximately 14.8 metres (at the closest point) from the southern site boundary enclosing 1, Abernant Y Gethin and approximately 20 metres (at the closest point) from this neighbouring dwelling itself. Whilst there would be some overlooking into the side garden/driveway of this property from the first floor windows of the proposed dwelling, this would not result in a significant loss of privacy due to the distance between the dwellings and the fact that the neighbour's main amenity area is located to the rear of the property. Whilst this neighbouring bungalow has had a rear flat roof dormer extension and a new window installed on the gable end of the southern side elevation, the loss of privacy into the property would not be deemed to be significant, not only due to the distance of the application property from this southern boundary, but due to the fact that the southern boundary enclosure to this neighbouring property is made up of mature vegetation and a brick wall, which would obscure most of the views into this neighbouring dwelling. In addition, a large detached garage on this neighbouring site, would also obscure views of the bungalow from the application dwelling. It should also be noted that although the proposed dwelling would be located to the south of this neighbouring property, the separation distance between the two properties would ensure that any loss of light to this neighbouring dwelling would be minimal.

In respect of Gethin House, given the proposed dwelling's alternative orientation and it's set back into the site, it would be located 2.15 metres (at its closest point) from the eastern site boundary wall enclosing Gethin House and approximately 9.6 metres (at the closest point) from the neighbouring dwelling itself (Gethin House). Due to the topography of the site, the proposed dwelling would be located at a higher level to this neighbouring dwelling and as such, it's ridge height would be approximately 2.9 metres higher than the ridge height Gethin House. However, the two-storey dwelling given its re-siting on the plot, would be located further away from the dividing boundary than the formerly approved dwelling (under planning permission P/19/0006), which was formerly approved to be positioned 1.5 metres from the dividing boundary. Furthermore, it would be slightly lower in height having been reduced by 200mm than the dwelling previously approved (under planning application/19/0006). Thus, whilst the proposed dwelling would continue to share a close relationship with the neighbouring dwelling's site boundary, it would not be deemed any more harmful when compared to the dwelling original approved (under planning permission P/19/0006). Furthermore, the dwelling itself would be located 9.6 metres away from Gethin House, as previously mentioned, and as such, the proposed development would not be considered to result in an overbearing form of development on this neighbouring dwelling. In addition, the proposed dwelling would not have any east facing windows, which would prevent any direct overlooking to the side western garden area serving Gethin House. As such, given the separation distance from the proposed dwelling to this neighbouring dwelling, the absence of east facing windows on the proposed dwelling, and the siting of the dwelling to the west of Gethin House, the proposal

would not be considered to cause a significant overshadowing impact or result in a substantial loss of light, overlooking or loss of privacy. Furthermore, permitted development rights for the erection of extensions or outbuildings could be removed as part of any planning permission granted, to ensure that any new development and its impact on residential amenity is adequately assessed prior to its erection. Details of the boundary treatments/proposed landscaping could also be requested by condition as part of any planning permission, to ensure that these are appropriate in respect of their visual and neighbouring impact.

The relationship of the proposed dwelling with the neighbouring properties, as explained above, is therefore considered acceptable and would therefore comply with LDP Policy SW11.

Ecology

The Council's Ecologist has considered the proposed scheme and initially requested that in addition to enhancement works, a Preliminary Ecological Appraisal (PEA) would need to be submitted. However, following discussions with the Council's Ecologist to confirm that the slab level had been laid on-site, the Council's Ecologist requested that the PEA would only be required in respect of the additional land located to the west of the originally proposed application site, which was included in this amended application to provide additional garden space. However, the application site has now been amended to include the original application site area only. Thus, the PEA survey work is no longer required.

The Council's Ecologist has taken account of the enhancement measures proposed, which include the provision of bat and bird boxes and the hedgerow planting, and concluded these to be acceptable. As such, a suitably worded condition would be added to any planning permission granted.

It is acknowledged that chapter 6 of PPW (edition 12) requests that applications be supported by Green Infrastructure Statements. However, in this instance, this application has been ongoing for 2 years and requesting this level of information now would be deemed unreasonable. It should also be noted that enhancements, in the form of a bat box and bird boxes and planting, would be provided, as mentioned above. This would increase habitats in the local area which would serve protected species and would therefore contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

Parking Provision and Highway Safety

The property would be accessed via a private lane and designated Public Right of Way/Bridleway, which runs from Gethin Place and serves Gethin House and 4 bungalows (1, 2, 3, 4 Abernant Y Gethin). On-site parking provision would comprise of two vehicular parking spaces on the proposed driveway at the front of the site. Although the private lane already serves five dwellings when accessed from Gethin Place, the section of the lane that would provide immediate access to the proposal only serves four dwellings (Gethin House and 1, 2 and 4 Abernant Y Gethin). Number 3 Abernant Y Gethin is served by a separate access. It is considered that the traffic movements associated with an additional dwelling would not be harmful to highway or pedestrian safety. In arriving at this conclusion it is noted that the Head Engineering and Highways and the Public Rights of Way Officer have not raised an objection. As such, the proposed development would not

give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic in the area. As such, the proposed development would be considered to accord with LDP Policy SW11.

Response to Representations

Many of the objections raised by local residents have been addressed in the respective parts of the report above. The following considerations have also been taken into account:

- Construction noise and construction traffic would only be temporary. However, to limit its impact, a suitably worded condition could be imposed which restricts construction hours.
- Welsh Water has not raised an objection. However a copy of Welsh Water's responses have been forwarded to the agent for their consideration. An informative regarding development which may affect such utilities would also be attached as part of any planning permission;
- Any damage that may occur to neighbouring properties i.e. boundary walls, hard standings or the un-adopted lane, etc, would be a matter for the respective land owners to resolve privately and is therefore a civil matter and not a material planning consideration;
- Any damage to utilities or services resulting from the construction traffic associated with this development would be a matter to be resolved between the utility companies themselves, those responsible and the applicant;
- The plans submitted include the details and siting of an inspection chamber. Comments have been received from Welsh Water and the Council's Head of Engineering and Highways, and no concerns have been raised in respect of surface water or foul drainage. Indeed, this proposal would be subject to a separate SUDS application and this would ensure that adequate surface water drainage is provided.
- The impact of the development upon the Grade II listed feature further west of the application site has been previously considered by the Council's former Design, Heritage and Conservation Officer (under previous applications) and no concerns were raised by the officer in this respect;
- A unstable land condition will form part of any application and any details of any retaining walls required as part of the development would be requested by condition and agreed by the Head of Engineering and Highway to ensure that the site is stable and suitable for development or that remediation works take place site prior to the commencement of development;
- Land ownership is not a planning consideration. However, the agent has submitted certificate B with this application, which appears to indicate that the relevant owners of the access road have been served notice and are therefore aware of the proposal;
- The application site outlined in red indicates that the site would be served by the un-adopted access lane. Whether or not the applicant has right of access over the lane is a matter to be considered by the applicant and the respective land owners (access lane) and is therefore not a planning matter;

- Any matters relating to the obstruction of roads/lane which prevent access for residents and emergency services/vehicles cannot be controlled by the planning department. Instead, this would be a matter for the Police;
- It has been highlighted that this proposal has caused some distress and anxiety amongst surrounding residents due to the disturbance and potential damage which could arise from the proposed development. This however, would not be a matter that can be controlled through the planning process. Consideration has been given to the impact of the proposal on the amenities of surrounding residents, as this has been discussed in the main body of the report;
- The area of land to the west of the site, which was included as part of this application site when the application was submitted in 2022, has now been removed from the proposal. Thus, the application site area continues to be the same as that previously approved under planning permission P/19/0006;
- The submitted plans initially incorrectly showed a section of the neighbour's rear boundary wall missing and part of their boundary wall on their driveway to be removed. The plans have since been amended to show that the neighbours boundary wall will not be altered and/or demolished as a result of this proposal;
- Any new boundary treatments within the application site, including walls, fences and hedgerows would be the responsibility of the owner/occupier to maintain;
- The Council's planning department has not illegally trespassed on land/properties of neighbouring dwellings. Whilst it is claimed that utility companies have done so, it is up to those affected to contact the relevant utility companies.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant LDP policies.

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

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans and documents:

- Drawing no: 576.003B Proposed Block Plan, received: 25 the January 2024;
- Drawing no: 576.101 Proposed Site Plan, received: 25th January 2024;

- Drawing no: 576.002C Proposed Site Plan, received: 25th January 2024;
- Drawing no: 576 009 Section, received: 10th January 2024;
- Drawing no: 576 004A Plans, received: 10th January 2024;
- Drawing no: 576 005B Elevations, received: 10th January 2024;
- Drawing no: 576 006C Sections, received: 10th January 2024;
- Drawing no: 576 007C Sections, received: 10th January 2024;
- Drawing no: 576 100B Compare, received: 10th January 2024;

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

2. **Prior to the construction of the dwelling elevations** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

3. **Prior to the construction of the dwelling elevations** 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 SW7 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan .

4. Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

5. Demolition or 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 Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, outbuildings or other alterations shall be carried out other than what is expressly authorised by this permission.

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

7. Prior to the occupation of the dwelling hereby approved, the bat and bird boxes shall be erected, as shown on drawing no: 576 005B Elevations received 10th January 2024, and shall be retained thereafter in perpetuity.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Prior to the occupation of the dwelling hereby approved, the drainage system for the site shall be completed in accordance with the approved details shown on drawing no: 576.002C Proposed Site Plan, received 25th January 2024. Thereafter, no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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, in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. **Prior to the construction of the dwelling elevations:**

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason - In the interest of health and safety, to accord with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10. Prior to the occupation of the dwelling hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - In the interest of health and safety, to accord with LDP Policy EnW4 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 dwelling 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 biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil Local Development Plan.

INFORMATIVES

1. The grant of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, in so far as it affects a right of way, should not be started; and the right of way should be kept open for public use until the necessary order under s.247 or s.257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. If you need advice about the right of way you should contact the Rights of Way Division on 01685 725309/rightsofway@merthyr.gov.uk.
2. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application (a copy of which has been sent to you). Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

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.

If the applicant has not already done so, they are advised to contact Welsh Water on 0800 917 2652 and request a sewer trace to establish the location and status of the sewer. The applicant is advised that diversion works/other works may be required to accommodate the proposed development.

3. The applicant is strongly advised to contact Wales and West Utilities (tel no: 02920 278912) prior to the construction of works on-site given that their apparatus are very likely to be affected as a result of this development.
4. 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.

5. 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


Director of Neighbourhood Services

DATE: 06.03.2024