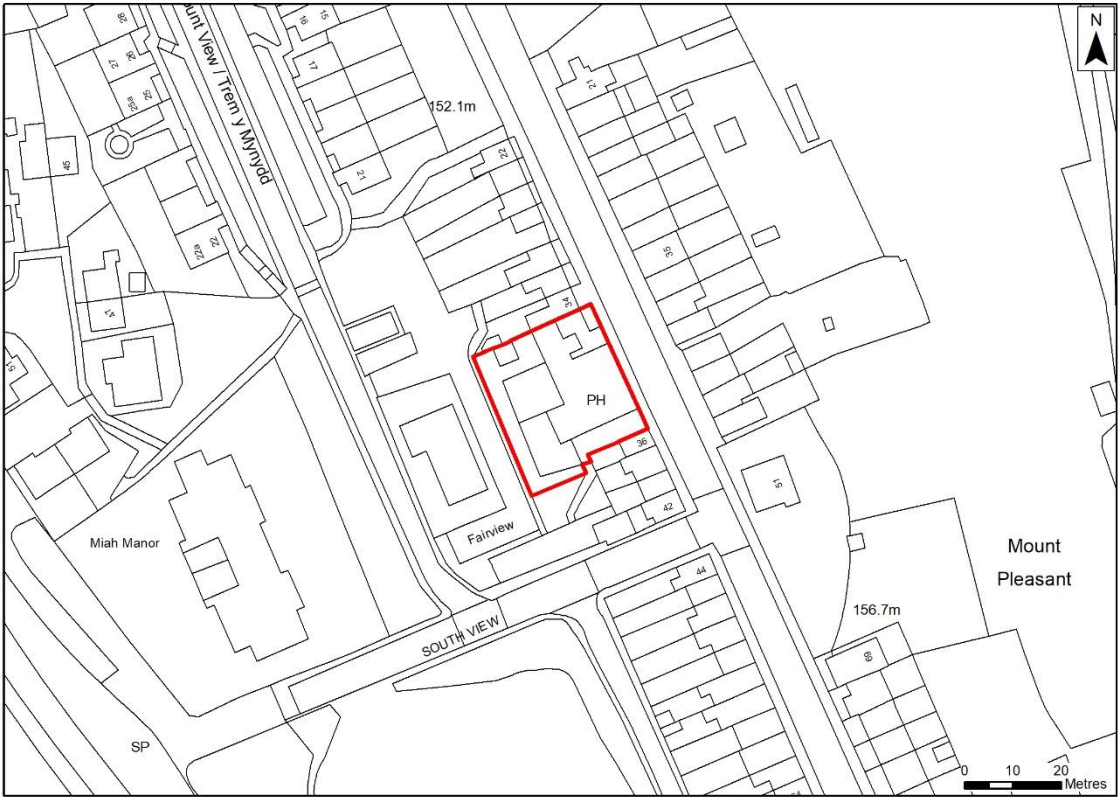


DATE WRITTEN	30th September 2024
REPORT AUTHOR	Judith Jones
CASE OFFICER	Marlene Ferreira
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	9th October 2024

Application No. P/24/0089	Date 9th April 2024	Determining Authority MTCBC
Proposed Development Change of use from bed and breakfast into 2 flats and a 6 bedroom HMO	Location Mount Pleasant Hotel Mount Pleasant Cardiff Road Merthyr Vale Merthyr Tydfil CF48 4TD	Name & Address of Applicant/Agent D2 Propco Limited c/o Viv Jones 114 Brecon Road Hirwaun RCT CF44 9NS



PURPOSE OF REPORT

To further consider planning application reference P/24/0089

At the Planning, Regulatory and Licensing Committee meeting held on the 11th September 2024, it was resolved not to accept the Officer recommendation to conditionally approve the planning application. Members instead resolved that they wished the application be refused on grounds relating to highway safety and the unsustainable location of the application site.

Accordingly, reasons for the refusal of the application as expressed by Members have been drafted below for Committee's consideration:

1. The development would give rise to an increase in the level of on street parking and congestion to the detriment of highway safety, and this will be exacerbated on occasions when the A470 is closed, and traffic is diverted along Cardiff Road. Therefore, the development is contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. The development would be located in an unsustainable location with poor access to local amenities with poor transport links. Therefore, the development is contrary to policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

It should be noted that since the committee meeting members have drawn reference to the relevant LDP policies in relation to the respective reasons for refusal as set out above.

COMMITTEE'S DECISION IS REQUIRED.

PURPOSE OF REPORT

To further consider planning application P/24/0089

At the Planning, Regulatory and Licensing Committee meeting held on the 5th June 2024, it was resolved to defer the determination of the application to allow members to undertake a fact finding site visit. This took place in the 22nd July 2024.

The main planning related issues raised during the fact-finding site visit centred around the impact the HMO would have on the character of the residential area, the amenities of nearby occupiers and the proposed parking provision. All of these issues have been fully considered in the original committee report, thus the conclusions reached were simply re-iterated at the site visit. Questions regarding the management of the property and who's responsibility this would be in the event that issues arise were also raised. It was also re-iterated that should these issues arise, they would be dealt with by the Police, Environmental Health and Landlords, and are not material planning considerations and thus, cannot be controlled by planning legislation.

Therefore, the points raised at the fact-finding site visit did not highlight any new issues that would alter the original recommendation to Committee.

COMMITTEE'S DECISION IS REQUIRED.

A copy of the original report to Committee is reproduced below for committee's convenience.

APPLICATION SITE

The application site relates to a large double hipped property, known as Mount Pleasant Hotel, located off Cardiff Road in Merthyr Vale. The detached premises, which appears to have had substantial extensions to the rear, formerly operated as a Bed & Breakfast/Hotel, but this ceased several years ago and it is currently used as one large residential property. A rear pedestrian path/lane runs along the rear and to the side of the property which provides a link between Cardiff Road to the east and South View to the south. A total of 3 parking spaces are provided on-site and unrestricted parking can also be accommodated along Cardiff Road.

The application site lies within a predominantly residential area with the main road to the front (east), adjoining residential properties on either side (to the north and south). The premises also fronts residential properties located on the opposite side of the road (to the east), which are positioned at a higher level.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of the premises from its lawful use as a Bed & Breakfast/Hotel into a 2 bedroom flat, a 1 bedroom flat and a 6 bedroom HMO.

The proposed 2 bedroom flat would be provided at ground floor and would include a kitchen/living area and a bathroom. The proposed 1 bedroom flat would be provided at lower ground floor and would include a living room, kitchen and shower room. Each of the flats would be independently accessed off the front courtyard, via the pedestrian gate off Cardiff Road (adjoining the premises and the garage door). Other than a new stud partition wall which would be erected inside one of the flats to provide a hallway (to separate the bedrooms from kitchen/living area) there are no other internal alterations proposed. Likewise, there are no external alterations proposed.

The proposed 6 bedroom HMO would be provided at ground and first floor, which would include a kitchen, 2 living areas, a bedroom, a conservatory and a shower room at ground floor and 5 en-suite bedrooms at first floor. The HMO property would have independent access via the side entrance. Other than replacing a rear living area with a new bedroom and providing a stud partition wall within the front living area to provide a hallway, there are no other internal alterations proposed. Likewise, there are no external alterations proposed.

The plans also indicate that the existing outbuilding to the rear of the premises will be used as a cycle store and waste/recycling facilities will be provided within the rear communal garden area.

PLANNING HISTORY

There is no relevant planning history which needs to be considered in the determination of this application.

CONSULTATION

The following bodies were consulted, and their responses are presented below:

Head of Engineering & Highways	No objection.
Planning Policy Officer	No objection.
Planning Ecologist	No objection, subject to conditions.
Environmental Health Manager	No objection.
Dwr Cymru Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on 18.04.2024 and two site notices were displayed within the vicinity of the site on 02.05.2024. A petition with 1275 signatures and 91 letters of objection were received following the publicity exercise. The main points raised have been summarised and referred to below (all of which appear to relate to the proposed HMO aspect of the scheme only):

- The surrounding area is made up of many family homes with young children as well as elderly and other vulnerable individuals of all ages, and this proposal would make it unsafe for them. It is likely to place limitations and conditions on the local community, such as preventing day or night time walks/activities along the street, nearby Taff Trail or nearby playing field/playground;
- This will result in an over concentration of HMO's and will therefore be detrimental to the character of the area;
- There are concerns that the proposal is likely to result in vandalism, theft and harassment in the area;
- The semi-rural location does not have the facilities to appropriately provide support or cater for the needs of such a proposal which would house high risk individuals;
- The development would have an impact on the value of surrounding dwellings;
- The site has little parking and the surrounding streets has insufficient parking for existing residents, resulting in congestion and numerous issues such as pavement parking, causing issues for disabled and elderly people. Allowing a

HMO use in this area, which would demand parking for staff, visitors and residents, would only exacerbate these issues and eventually impede emergency services from passing through when required. It would also increase the likelihood of accidents happening, as they have done in the past, due to vehicles parking on both sides of the road;

- The windows of the property directly overlook other surrounding properties, including those on the opposite side of the road;
- Other HMO uses in Merthyr have caused significant trouble in the area affecting surrounding residents;
- The company leading on the application has openly stated that incidents can occur and that ex-prisoners would reside there. This could include murderers, burglars, drug dealers, paedophiles and sexual offenders, or violent and/or mentally ill individuals who prey on young children and vulnerable people. The property would not have 24 hour security or surveillance, so its residents will do as they want and see fit;
- The HMO would sit in very close proximity and in view of a well-used children's playground and playing field;
- Given the secluded areas available in the immediate vicinity, which is not well lit, this could enable HMO residents to evade detection from police and put the local community at risk;
- It has been noted in previous applications that properties occupied by non-family households have the potential to change the character of an area (damage social cohesion with higher levels of transient residents). Thus, HMO developments can have a negative impact on crime levels in an area due to their transient nature;
- The site is located within a semi-rural area where there is currently not a high degree of criminal activity, noise or disturbance. This proposal would undoubtedly increase noise and disturbances which would impact on sleep pattern and affect the health and well-being of residents;
- Due to the nature of the residents residing at the HMO, the proposal will significantly increase the possibility of anti-social behaviour, increased noise level, general disturbances, and crime in the area. When such issues arise, such behaviours would not be appropriately dealt with by police or other agencies within a suitable time frame, and would therefore adversely affect the safety of surrounding residents. This will negatively impact the peaceful environment of our neighbourhood;
- The community would like to keep the building as an amenity/facility for the area, such as a public house, recreational centre for children or a community centre, since all other amenities have been taken away.

- D2 Propco have stated that 'they will house managers whose responsibilities include visiting the property and tenants daily (Monday to Friday). Due to vulnerability of some tenants, managers will monitor welfare and conditions of the property. Also CCTV cameras covering all communal parts of the property would be installed and checked every morning'. There is also an emergency number available to call if surrounding residents become aware of any issues or incidents. These measures cannot guarantee that issues will not happen at the property. Furthermore, there is no weekend supervision. Ultimately with all these measures in place, it is very likely that the company is pre-empting that such issues will occur;
- The proposal has raised mental health concerns, anxiety, stress and depression amongst its surrounding residents and the local community. It is a proposal which is against the Wellbeing Act of 2015, since it would not contribute to the improvement of social, cultural, environmental and economic well-being;
- Have security risk assessments been completed to determine the category of individuals moving in to ensure the safety of staff and residents. A 24 hour security system implies troublesome individuals would be residing at the property;
- Are there emergency exits available at the property;
- Only 3 resident letters were sent out by D2 Propco and no notices were posted to advise the local community of the development. Is there a minimum requirement as to how many letter should be sent out to advise neighbours of a proposal;
- The plans indicate that the public right of way, providing side access into the site, will be closed off;
- The letters state that the proposal relates to flats and a HMO, however, the planning drawings only indicate a number of single rooms and common areas. The plans are therefore incorrect and misleading;
- It is not clear what facilities will be put in place to deal with refuse and bin storage for the proposed use to prevent vermin and other issues, since this is likely to increase litter in the area. Furthermore, where would construction waste be stored should the application be approved;
- The proposal will place a huge strain on education, health and waste services, which are already struggling to meet the needs of the current population;
- Should this proposal result in damage and/or theft to our property, who would be responsible;
- The proposal would be contrary to the Children and Families Act 2014. For individuals under the age of 18, a child's welfare is paramount. A HMO

operating nearby would bring significant risk to children. Local authorities have a duty of care to ensure the protection and welfare of children;

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) must be taken into considerations. Relevant sections are identified below:

- Paragraphs 3.3 refers to good design and states that “...*good design is fundamental to creating sustainable places where people want to live, work and socialise. 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 surrounding area.*” Paragraph 3.12 highlights that “...*good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate...*”.
- Paragraph 4.1.1 refers to sustainable development and states that “...*the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution...*”
- Paragraph 4.1.37 notes that “...*planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services*”. In respect to car parking provision, paragraph 4.1.50 notes that “*parking provision*”

should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport”.

The following Technical Advice Notes are also relevant:

- TAN 12: Design
- TAN 18: Transport

Local Planning Policies

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

- SW1 Provision of New Homes
- SW3 Sustainably Distributing New Homes
- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4 Environmental Protection

Supplementary Planning Guidance (SPG) Notes:

- Note 4 - Sustainable Design.
- Note 5 - Nature and Development.

PLANNING CONSIDERATIONS

The main issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be an appropriate development in respect of its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The proposed development seeks to change the use of the existing property into 2 flats and a HMO. Given that the property lies within the settlement boundary and the proposal seeks to continue to provide residential uses (albeit of a different nature in respect of the HMO), it would be acceptable provided it complies with other relevant policies. The proposed development would therefore be acceptable in principle and would comply with LDP Policy SW4.

The proposal would result in the loss of a Bed & Breakfast/Hotel and since this is classified as a community facility, LDP Policy SW13, which seeks to protect and improve such facilities, is relevant. This policy states that development proposals that would result in the loss of an existing community facility would only be permitted where there is evidence that alternative provision of at least equivalent value to the local community can be provided nearby; or it can be demonstrated that existing provision

is inappropriate or surplus to the needs of the community and is no longer required; or it can be demonstrated there is no longer a viable community use for the facility. In this instance, it is noted that the property is currently being used as one large residential property and has not operated as a B&B/Hotel for several years, due to a decline in visitors to the area. Thus, it has not operated as a community facility for a significant amount of time. The property has also been marketed for a period of over six months in an attempt to find a buyer for the existing business and this has been unsuccessful. As such, the B&B/Hotel use of the premises is deemed surplus to the needs of the community and the proposed development would therefore accord with LDP Policy SW13.

Character and Appearance

The proposed change of use would not involve any alterations to the exterior of the property, both with regards to the proposed flats and the proposed HMO. Therefore, this proposal, in terms of visual impact, would not have an adverse impact on the appearance of the property or the character of the wider area.

It is appreciated that properties occupied by non-family households however, such as in the case of the proposed HMO, have the potential to change the character of an area (i.e. damage social cohesion with higher levels of transient residents) and this has been noted in the objections submitted. However, it cannot be argued that the proposed 6 person HMO along Cardiff Road would lead to an over-concentration of HMO's in this area. Indeed, the Council's records do not show any other HMO uses in close proximity to the application site. Additionally, the former use of the property as a B&B would have had a number of visitors coming and going. As such, this proposal would not likely result in significant harm which would justify the refusal of the application on this basis. The proposal would therefore comply with LDP Policy SW11.

Residential Amenity

In terms of the impact on residential amenity (i.e. noise, disturbances and overlooking from existing windows) it is considered that the proposed flats would not appear out of context, since the application property is surrounded by residential properties. As such, a residential use in this location would be acceptable and would not unduly compromise the amenities of nearby residents. Indeed, the proposed flats did not appear to be a cause for concern in the objections raised.

With regards to the proposed 6 bedroom HMO, this use would not be significantly different to the existing use, as one large residential property. Indeed, it would be no more disruptive than its former lawful use as a Bed & Breakfast/Hotel, which would have attracted short term visitors to the area and likely generated more comings and goings. Whilst there is some potential for additional noise and disturbance resulting from this part of the proposal, which was a concern raised in the objections received, given that this may have a detrimental impact upon the amenities currently enjoyed by surrounding residents, this would not be considered significantly harmful to warrant the refusal of the application. In this regard, no objections have been received from the Environmental Health Manager. It is also noted that the landlord/manager of the property must ensure that the HMO is managed and maintained in accordance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and best

practice, which can be enforced by Environmental Health. In this respect, an informative could be added to any planning permission granted to make the landlord/manager aware of their responsibilities and obligations.

Furthermore, it is acknowledged that as a result of the publicity exercise, representations have been submitted by nearby residents raising concerns in respect of anti-social behaviour, crime and other forms of unneighbourly conduct. It should be noted that the responsibility for dealing with such issues, which is not necessarily unique to HMO developments and could occur within any home occupied by a family, would be shared between a number of agencies, particularly the Police, local authorities (e.g. Public Health and Protection) as well as the landlord/manager.

In respect of overlooking and loss of privacy, no additional overlooking would result from the proposed development, since no new windows would be introduced in association with this proposal. With regards to the property to the rear, Fairview, the application premises is located over 9 metres from the dividing boundary (at the closest point) and over 17 metres from the dwelling itself. As such, any overlooking from the existing windows would not be deemed significantly harmful. In respect of the dwellings to the front property, located on the opposite side of the road, the application property is located, at a lower level, and approximately 13 metres from these dwellings. Thus, any opportunities for overlooking from the existing windows would be limited. Indeed, the proposed development would not be considered any more harmful than the existing relationship between the application premises and these neighbouring properties. The proposed development would therefore accord with LDP Policy SW11.

Ecology

The Planning Ecologist has considered the proposed development and notes that it does not incorporate any external alterations. However, in accordance with the Environmental Wales Act (2016) and the Welsh Government Circular Securing Biodiversity Enhancements (2019), the agent has shown the provision of a bat box on the northern gable end elevation and the provision of a bird box on the southern gable end elevation. The Planning Ecologist has reviewed the proposed biodiversity enhancements and has not raised any concerns, provided that such enhancement works are implemented, which can be secured by condition.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes internal alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancements would be provided as discussed above, which would provide additional habitats in the local area to serve protected species and would therefore contribute to the wider green infrastructure objectives. Thus, the proposed development would comply with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed development would be served by 3 existing on-site parking spaces and the access arrangements would remain unchanged. The Head of Engineering and

Highways has considered the proposal taking into account its former use as a Bed & Breakfast/Hotel and has noted that one new bedroom would be created. Their comments highlight that the existing B&B/Hotel use had 8 bedrooms and a parking requirement for 8 parking spaces (1 per bedroom) in accordance with the Wales Parking Standards 2008, however only 3 spaces were in fact available, one of which could only be used if there was no vehicle parked in space 2. The proposed use would have a parking requirement of 7 spaces (2 spaces for the 2 bedroom flat, 1 space for the 1 bedroom flat, 3 spaces to serve the HMO use plus 1 visitor space) in accordance with the Wales Parking Standards 2008. As such, it is noted that whilst the number of bedrooms at the property will increase, and there would be an under provision of parking to serve the proposed use, the requirement for parking provision under the proposed use would not be any worse than the extant use. Therefore, no intensification of parking requirements would result in association with this proposal. Thus, it is concluded that the level of parking as proposed is acceptable and no highway objection has been raised to the proposed development. Ideally, the existing parking spaces could potentially be used by the residents of the flats and the HMO use would not be served by any on-site parking. Indeed, it is recognised that HMO uses generally have low parking demands since there is generally low car ownership amongst its residents.

It is also noted that the property is located within 100 metres of a bus stop and is therefore near a sustainable travel route. Whilst Cardiff Road only allows for parking provision along one side of the street and is known to be generally congested by parked cars belonging to other residents, as raised in the objections received, additional unrestricted on-street parking can be provided further along Cardiff Road and within the side streets, such as South View. Thus, in this instance, the impact of the proposed development upon highway and pedestrian safety would not warrant the refusal of the application. The Head of Engineering and Highways has also referred to the promotion of sustainable modes of travel and it was requested that 2no. secure cycle stands be provided within the site. It should be noted that the outbuilding to the rear of the property, as stipulated on the submitted plans would be used as a cycle store. Therefore, the proposal complies with LDP Policy SW11.

Response to Representations

The planning concerns raised in the letters of objections have been addressed in the relevant sections above. Responses to the other issues raised with regard to the HMO property have been addressed below:

- It is noted that some of the objections referred to concerns relating to the potential occupiers of the HMO and the impact the use would have on the value of surrounding properties. These matters are not material planning considerations and as such have not been considered in the assessment of this application;
- It has been highlighted that this proposal may cause some distress and anxiety amongst surrounding residents in response to potential occupiers of the proposed HMO. This 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. Given that the property would continue to be used for residential purposes, the impact of the development would not differ significantly to the

existing use as discussed earlier in the report. Thus, the proposal would not be considered contrary to the Wellbeing Act of 2015, which seeks to improve social, cultural, environmental and economic well-being;

- In respect of any threats or assaults to nearby occupiers or the wider community, this would be a matter for the Police;

- Concerns were raised that details within the application submission were inaccurate and showed the entire property to be a large HMO property. The submitted plans clearly show that in addition to a 6 Bedroom HMO, 2 flats would also be provided;

- The planning department is unaware of what risk assessments have been carried out, if any, in respect of the potential residents that could reside at the application site. This is not a planning matter.

- The provision of emergency exits within the property would be a matter to be controlled under the Building Regulations and as part of any permit requirements from Environmental Health.

- There are no requirements for the applicant/agent to advertise proposals of this nature prior to the submission an application. However, as noted above in accordance with the planning regulations letters were sent to a number of residential properties and two notices were also displayed along Cardiff Road;

- The submitted plans do not indicate the path/lane that extends to the rear of the property would be blocked in any way and the access would remain available to residents.

- The plans indicate that waste/recycling facilities would be located to the rear of the property. A condition can be imposed to ensure that it is provided prior to the beneficial occupation of the flats and HMO. It should also be noted that the Environmental Health Manager has not raised any comments in this respect. With regards to the storage of construction waste, only minor internal works are proposed and as such, it would not be reasonable or necessary to request that an area for temporary construction waste be provided in association with this proposal;

- Any damage to or theft of property that may occur would be a civil/police matter and is not a material planning consideration;

- The Children and Families Act 2014 would not form a material planning consideration in the assessment of this application.

CONCLUSION

Taking into account the above considerations, concerns raised by local residents and consultee responses, it is considered that the proposal is acceptable and complies 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 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. 2971 C01, received 15th May 2024
- Drawing No. 2971 C02, received 15th May 2024

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

3. **Prior to the occupation of the flats/HMO** hereby approved, the bat and bird boxes shall be installed in accordance with approved Drawing No. 2971 C02, received 9th April, and shall be retained in perpetuity thereafter.

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

4. The parking spaces as shown on Drawing No.2971 C02 received 9th April 2024, shall be made available for such purposes only at all times in association with the proposed flats and HMO.

Reason - In the interest of highway safety and the free flow of traffic, to accord with LDP Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the occupation of the Flats/HMO** hereby approved, details for the provision of a waste/recycling storage facility shall be submitted to and approved in writing by the local planning authority. The waste/recycling storage facility shall be provided in accordance with the approved details, prior to the occupation of the flats/HMO and shall be retained for such purposes at all times thereafter.

Reason - In the interest of of public health and residential amenity, to accord with LDP Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

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

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

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

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

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

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

3. The landlord/manager is advised that they must ensure that the HMO is managed and maintained in accordance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and best practice. For more information in respect of this matter, please contact the Council's Environmental Health Section.