

DELEGATED REPORT

Application No:	P/24/0026
Site Address:	Former Mount View Surgery Bridge Street Aberfan CF48 4QU
Development:	Convert and increase height of building to provide 2 flats, to include the erection of a bin store and enclosures
Case Officer:	Marlene Ferreira
Site Visit:	21st February 2024
Application Expiry Date:	26th March 2024
Consultation reply date expired:	28th February 2024

APPLICATION SITE

The application site relates to a detached brickwork building, formerly used as a doctor's surgery located off Bridge Street in the area Aberfan. The premises, which has been vacant for over 3 years, is set back from the front highway and benefits from vehicular access to the highway by means of a private right of way. The gated building is located directly to the rear of Aberfan Surgery, which lies off Cottrell Street, to the west of the application site. Its front elevation faces a southerly direction onto the front adopted highway which also provides access to 5 large, detached properties known as River View Villas. A small hardstanding/car parking area is provided to its front (south) and a relatively large grassed area is provided to its side (east).

The site is enclosed along its perimeter from Aberfan Surgery (west), from the adjoining overgrown piece of land to the rear (north), from the neighbouring dwelling, 1 River View Villas (east) and from the front highway (south) by a post and rail fence. Since the premises has been vacant for a significant period of time, the site has also been enclosed, to the front with a temporary metal fence.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of a doctor's surgery (D1 use class) to provide 2 self-contained flats to include an increase to the height of the building, the installation of a new roof and the installation of roof lights and solar panels. Other works also include the construction of a bin store, a cycle stand and the erection of new fencing.

The existing building would be altered in its height to accommodate 2, 1 bedroom flats. Whilst the eaves height of the building would remain unaltered, its ridge height would increase by approximately 1.6m from 4.6m to 6.2m.

Internally, the building would be sub-divided to provide flat 1 to the front (south) of the building and flat 2 to the rear (north) of the building. An open plan kitchen/dining/living area, bathroom and boiler room at ground floor and a bedroom within the roof space would make up flat 1. An open plan kitchen/dining/living area, a living area, a WC, a boiler room and a store room at ground floor and an en-suite bedroom within the roof space would make up flat 2. Flat 1 would be accessed via an existing entrance door located on the front elevation of the building. Flat 2 would be accessed via an existing entrance located in the eastern side elevation of the building.

Other external works include the installation of a replacement tile roof covering, the installation of solar panels and roof lights to both the eastern and western roof slopes. In addition, a 1.65m high timber fence is proposed to the south and east of the building. This would serve to separate the grassed areas and provide private amenity areas to serve each of the flats.

The two flats would be served by a total of 5 off-street parking spaces which would be provided on the hardstanding area to the front of the building, access to which would be gained from the south, through the existing vehicular gate. A bin store measuring 3.8m wide, 2.5m deep and 3.1m in height would be provided to the east of the parking area. A steel and perspex bicycle stand is also proposed in this location.

It should be noted that a similar proposal was previously submitted under planning application P/22/0285 and was subsequently refused. The main difference between the earlier application and this proposal relates to the location of the bedrooms to serve each of the flats. In the earlier application, each of the bedrooms would be located at ground floor. Under this current application, each of the bedrooms would be located within the roof space.

PLANNING HISTORY

The Council's records indicate the following planning history for this site:

P/22/0285 – Conversion of building into two flats with associated external works – Refused: 15th September 2023

Reason for refusal:

- 1. The proposed change of use to residential results in highly vulnerable development in Flood Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15. The proposed development does not meet the relevant tests of TAN 15 Section 6.2 criteria (i) and (ii) and the submitted Flood Consequent Assessment (FCA), criterion (iv) fails to demonstrate that the risks and consequences of flooding can be managed over the lifetime of the development. The proposal is therefore contrary to Section 6.2 of TAN 15 Development and Flood Risk (2004).*

2. *No bat surveys have been submitted to support the Preliminary Roost Assessment (Acer Ecology, February 2023 v3) to enable the local planning authority to fully assess the impact of the proposed development on protected species or any required mitigation. As such, the proposed development is contrary to Policy EnW1 of the Adopted Merthyr Tydfil Replacement Local Development Plan 2016-2031.*

CONSULTATION

Head of Engineering and Highways	No objection subject to conditions.
Planning Policy Office	No objection.
Environmental Health Manager	No objection, subject to conditions.
Ecology Officer	No objection, subject to conditions.
Natural Resources Wales	No objection.
Dwr Cymru Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and 2 site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

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

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

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

Paragraph 6.6.22 advises on flooding and explains that '... the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals...'

- TAN (Technical Advice Note)

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...*'

TAN 15 – Development, Flooding and Coastal Erosion (2004)

This TAN provides guidance that supplements those set out in PPW policies in respect of flooding. It provides a framework within which the flood risks arising from rivers, the sea and surface water, as well as the risk of coastal erosion can be assessed. It goes on to advise on the consequences of the risks and adapting to and living with flood risk.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 - Settlement Boundaries

Policy SW11 - Sustainable Design and Placemaking

Policy SW13 - Protecting and Improving Local Community Facilities

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

Policy EcW8 - Renewable Energy

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and whether it would be an appropriate development in terms of 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. Thus, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided the proposal is compatible with other relevant policies and material planning considerations.

The application site, given its previous use as a doctor's surgery, is a recognised community facility. As such, LDP Policy SW13 is a relevant policy consideration. This policy states that *'...the provision of new and enhanced community facilities will be supported, subject to satisfying other relevant LDP policies. The Council will protect and support the enhancement of the County Borough's existing community facilities...'*

It goes on to clarify that *'...Development proposals that would result in a loss of an existing community facility will only be permitted where 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...'*

As discussed earlier in the report, whilst the application site, formerly accommodating the GP surgery remains vacant, the doctors surgery now operates from Aberfan Surgery, a larger and more modern detached building, located immediately to the west of the application site. As such, it can be argued that the application site is no longer required for this use. Thus, in this instance, the loss of the existing community facility would meet the relevant criteria set out under LDP Policy SW13 and would therefore accord with this policy.

The application site, which seeks to accommodate highly vulnerable development (2 flats) is located within a C1 Flood Zone as set out in the Development Advice Map (DAM). In the Flood Map for Planning, which represents the most up to date information on flood risk, it identifies this site as being at risk of flooding since the proposed flats would lie within Flood Zone 3 (Rivers). It should also be noted, as mentioned above, that an application for a similar proposal, P/22/0285, was refused since it did not meet the relevant tests under section 6.2 of TAN 15 and failed to demonstrate that the consequences of flooding could be adequately managed over the lifetime of the development.

This current application proposal was accompanied by a Flood Consequent Assessment, which provided further information as to how flood risk could be managed. The scheme has also been amended and shows that each of the bedrooms would be located at first floor, within the extended roof space. However following consultation with NRW, they have confirmed that the *'...FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level...'* and explain the reasons for this in their comments. As such, their response concluded that there are concerns with the application as submitted because inadequate information has been provided in support of the proposal. They state that *'...to overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application...'* NRW's response/comments were therefore forwarded to the agent and further information was requested.

An addendum to the originally submitted FCA was received on the 27th March 2024. This information was reviewed by NRW and their response were as follows:

'...We have reviewed the addendum to support the previous FCA undertaken by Aegaea...' and '...the assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level...' As such, their response concluded once again that there are '...concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application...' NRW comments were therefore sent to the agent and they were invited to submit further information in support of their application.

Further information, to address the concerns raised by NRW was prepared by the agent's consultants and sent directly to NRW on the 22nd May 2024. The information has been reviewed by NRW, (whom provided a copy of the information to the planning department on 14th June 2024) and their final response is as follows:

'...We were previously satisfied with the applicant's assessment of flood risk from the river Taff. Although the application site benefits from flood defences (comprising embankments), the original FCA hadn't included an assessment of the flood defences if they were to breach, and equally there was no justification why an assessment was not undertaken. Further, the full allowance of climate change was not adequately assessed in the applicant's original FCA. At this location, a 25% increase to the rivers hydrological flow should be assessed.

Therefore an addendum note to the applicant's FCA was submitted (undated) and our previous response explained that this information satisfactorily assessed the climate change allowance and showed the site to be flood free in the 1% annual probability flood event plus climate change allowance on the river Taff. It also showed the predicted annual probability flood levels (in the 1% with climate change allowance event and in the 0.1% present day event) are at least 500mm below the crest level of the flood defences. Given this information, we were satisfied a breach assessment wasn't necessary to assess TAN15 criteria. However, in our previous response we highlighted that the applicant should carry out an assessment of flood risk from the ordinary watercourse that flows immediately north of the application site. This was missing in the original FCA and addendum. The email from Aegaea consultants from 22 May 2024 provides this assessment.

We are satisfied with the methodology used by the consultant and agree with them that detailed flood risk modelling is disproportionate given the scale of the proposal. Their assessment shows that in the event of the ordinary watercourse channel blocking, or a lack of capacity in the channel or culvert, flood waters are likely to overtop the opposite bank to the application site. The flood waters are then likely to flow westwards onto Cotteral Street and then down Bridge Street and beyond. This mechanism of flooding is reflected in the extract of the surface water flood map in the consultant's email...'

NRW's comments therefore conclude that '...based on the submitted flood consequences assessment (FCA), the FCA addendum note and the above referenced email (all prepared by Aegaea consultants), we are satisfied that the potential consequences of flooding have been shown to be manageable to an acceptable level. We therefore have no objections to the proposal as submitted....'

It is acknowledged that the proposal would result in the creation of two flats, classed as a highly vulnerable development, in a flood zone, on a site where a less vulnerable

development currently exists, and as such would not normally be supported. However, it should also be noted that the application proposal relates to the change of use of an existing premises, a former doctor's surgery, which is positioned between large detached residential properties (known as River View Villas) and Aberfan Surgery. It has remained vacant and unmaintained for over 2 years, resulting in a vacant building with an untidy appearance. If the former surgery continues to remain unoccupied, overtime, it could potentially result in a building which is in a poor state of repair and unsightly, and which would have a negative impact on the character and appearance of the street scene and immediate area. Indeed, the temporary security fencing currently enclosing the front of the site combined with the overgrown on-site vegetation, already gives the building a 'messy' appearance when viewed from the front street scene. The proposed change of use to provide 2 flats would bring this building back into use and is therefore welcomed. Certainly, in this context, the introduction of residential units, would be deemed fitting to the character and appearance of the existing street scene, in an area where the consequences of flooding could be appropriately managed, as confirmed in NRW's response discussed above. Thus, in this instance, the proposal would result in an acceptable form of development in this location which would accord with LDP Policy EnW4.

Character and Appearance

The proposal to provide 2 flats would include numerous external alterations as discussed above. The main alteration would relate to the increase in the height of the building. This modification would result in a visible alteration, however, it would not dominate or detract from the appearance of the premises, since the eaves height of the building would remain as existing, and the ridge height of the building would undergo a mere 1.6m increase. This increase in height would enable the bedrooms of the flats to be located at first floor, within the roof space, and although this roof extension would be finished in render, it would result in a fitting development, in respect of its design, scale and materials, which would reflect that of other nearby properties. Thus, provided further details of the render finish are submitted, which could be requested via a suitably worded condition, the development, in this respect, would be considered a sympathetic proposal which would accord with LDP SW11.

With regards to other alterations proposed, including the replacement roof tiles, the addition of roof lights and the installation of solar panels, these works would also be considered acceptable. The proposed roof tiles seek to replace the existing roof covering to provide a watertight building and ensure its longevity. On the basis that details of the tiles are submitted prior to their installation, to include details of material finishes and colour, these works would be acceptable. As such a suitably worded condition could be added to any planning permission granted to ensure that this information is provided prior to the works being undertaken. In respect of the proposed solar panels, this part of the works seeks to provide a more energy efficient building. However, they would amount to a visible alteration to the western and eastern roof elevations and their appearance is therefore paramount to ensure that this element of the proposal does not harm the appearance of the existing premises. Whilst it is noted that the building is set back from the front highway, a solar panel design which provides the least projection from the roof slope would be the most favoured option and the submitted plans appear to indicate that the projection would not be significant. However the solar panel information is incomplete and does not include any section details, or the type, colour of solar panel proposed, etc. A suitably worded condition could be therefore be added to any planning permission granted to ensure that solar panel design is acceptable prior to its installation. Similarly,

the addition of aluminium roof lights would be a necessary alteration which aims to provide natural light into each of the bedrooms within the roof space. Thus, provided their design and projection is acceptable, this element of the scheme would not raise any adverse concerns. A suitably worded condition could also be added to any planning permission granted, to ensure that this information is provided prior to their installation.

It is noted that the erection of fencing around the building (to provide separate private garden/amenity areas to serve each of the flats), the construction of a bin store and the erection of the bicycle store, are the most prominent alterations within the grounds of the site. These works would be set back from the front highway and would amount to alterations which are relatively minor in nature, given the scale of the structures and the height of the fence. Furthermore, they would comprise appropriate material finishes. As such, these works would not be considered to have any significant detrimental visual impact on the character and appearance of the existing premises or the wider area. It should also be noted that planning permission is not required for proposed timber fencing since this would be below 2m in height.

The proposed change of use and associated works, subject to the above mentioned conditions, would serve to 'revive' and improve the appearance of the building and would therefore result in an acceptable form of development, which would not be considered to significantly harm the appearance of the premises. Nor would it adversely affect the character of the existing street scene or the wider area. As such, it would accord with LDP Policies SW11 and EnW8.

Residential Amenity

The proposed flats, would be located between a detached residential property to the eastern side and Aberfan Surgery to the western side, and would include an increase to the ridge height of the building, the construction of a bin store and erection of a cycle and timber fencing (which does not require planning permission).

The proposed use of the building combined with the external alterations, to the building and within the site, would not be considered harmful to the amenities of nearby occupiers. The proposed use itself would be deemed less harmful to the amenities of nearby occupiers and in context with other residential properties, along River View Villas. Indeed, the proposed flats would result in less activity, when compared to a former surgery which would have had a high number of visiting patients coming and going on a daily basis. As such, the proposed use would be less disruptive to the surrounding neighbouring residents.

With regards to the increase to the ridge height of the building, this would increase by a total of 1.6m and would have a maximum ridge height of 6.2m. In addition, the building's eaves height and roof design would remain unaltered and as such, there would be no significant overbearing impact or loss of light impact on the adjoining properties, particularly since the application building would be located over 7m away (at its closest point) from Aberfan Surgery and over 8m away (at its closest point) from 1 River View Villas. Furthermore, the application building would not be served by any new side facing windows, other than roof lights. Thus, the angle of overlooking from the proposed roof lights, combined with its distance from 1 River View Villa, would prevent any direct overlooking into the rear garden of these occupiers and therefore ensure that there is no significant impact upon their private amenities.

The construction of the bin store and siting of a cycle store, although located near the dividing boundary with 1 River View Villas, these are small scale developments and would not cause any adverse impact on the privacy and/or amenities of these occupiers, particularly since these would be located to the front part of the application site.

The proposed development would therefore be considered acceptable in this instance and would accord with LDP Policies SW11 and EnW4. Indeed, no letters of representation have been received in respect of this proposal.

Ecology

Given the nature of the proposed works and following the refusal of application, P/22/0285, for a similar proposal, which was rejected due to the lack of ecology information in the form of a bat survey, this application was accompanied by a Bat and Nesting Bird Survey. The Council's Ecologist reviewed the information and requested further information in respect of the survey, as well as the submission of a Green Infrastructure Statement (GIS) and associated Landscape and Ecology Management Plan (LEMP). An acceptable GIS was received on the 1st July 2024 and an acceptable Bat and Nesting Bird Survey and a LEMP were received on 3rd January 2025. The requested information provided extensive literature and illustrations in respect of biodiversity, including protected species and their habitats, on the site and it was recommended that mitigation, compensation and enhancement measures be undertaken. This included the provision of a dark commuting corridor, the planting of trees and species rich lawn areas, the erection of bat and bird boxes, provision of bat access points along the eaves of the building, and bat roosting areas within the eaves space, etc. The Council's Ecologist reviewed the reports and did not raise any concerns with the recommendations put forward, provided that the development is carried out in accordance with the relevant reports. Thus, the proposed development is considered acceptable, provided a suitably worded condition is added to any planning permission granted to ensure that the development is carried out in accordance with the submitted information. The proposed development would therefore accord with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed flats, each of which would provide 1 bedroom, would be served by a tarmac parking area to the front of the building which would provide a total of 5 parking spaces. In addition, a manoeuvring area would also be provided, which would allow for vehicles to ingress and egress the site in forward gear. The parking area would be accessed via the existing gated entrance. The Head of Engineering and Highways has considered the proposal in respect of on-site parking provision, manoeuvring space and highway safety and has not raised any objections. Furthermore, whilst it is noted that 2 of the parking spaces would only be served by a 5.5m manoeuvring area to the front of the spaces, in order to easily manoeuvre and reverse vehicles, as opposed to the 6m manoeuvring space normally required, they have not raised any other concerns and deem this arrangement to be acceptable in this instance. The proposed development would therefore not give rise to any adverse highway or pedestrian safety concerns and would therefore accord with LDP Policy SW11.

CONCLUSION

For the reasons set out above the proposed development is considered to be 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:

- A105 rev 7 Proposed Site Plan, received: 3rd January 2025;
- A106 Rev 2 Proposed Plan, received: 3rd January 2025;
- A107 rev 3 Proposed Elevations, received: 3rd January 2025;
- A109 rev 2 Proposed Site Lighting, received: 3rd January 2025;
- Acer Ecology, Green Infrastructure Statement, received: 1st July 2024;
- Acer Ecology, Bat and Nesting Bird Survey, Version 6, received: 3rd January 2025;
- Acer Ecology, Landscape and Ecology Management Plan, version 2, received: 3rd January 2025;
- Email prepared by Aegae Consultant and sent to NRW, dated 22nd May 2024, received: 14th June 2024;
- Aegae, P/24/0026: Existing derelict structure (former doctor's surgery) to be converted into two single-bedroom maisonettes with sleeping accommodation on first floor. New roof with raised ridge level. Existing building to change of use to C3. | Former Mount View Surgery, Bridge Street, Aberfan (Addendum to Flood consequence Assessment), received: 27th March 2024
- Aegaea, Flood Consequence Assessment (FCA), AEG03298_CF48_Aberfan_01, received: 30th January 2024;

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

3. **Prior to the commencement of development** samples/details of the material finishes shall be submitted to and approved in writing by the Local Planning Authority for the following:

- roof tiles;
- roof lights (to include section details);
- render finish.

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

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

4. **Prior to the commencement of development**, a plan to scale, indicating the positions, dimensions, design and type of solar panels, to be erected, to include manufacturer name, product name, and product colour, shall be submitted to and approved by the local planning authority. The solar panels shall be completed in accordance with the approved details prior to the beneficial use of the building.

Reason - To protect the character and appearance of the conservation area and ensure that the new development will be visually attractive in accordance with Policy SW11 of the Merthyr Tydfil County Replacement Local Development Plan.

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

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

6. Prior to the occupation of the flats hereby approved, the enhancement measures proposed, as stipulated in the recommendations set out in the Bat and Nesting Survey (received 3rd January 2025), shall be implemented and shall be retained thereafter in perpetuity.

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

7. The car parking area hereby approved, as indicated on Drwg No: A105, rev 7, received 3rd January 2025, shall be completed in accordance with the approved details prior to the occupation of the flats and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of highway and pedestrian safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **No development or site clearance shall take place**, until an Invasive Non-Native Species (INNS) Method Statement for JAPANESE KNOTWEED has been submitted to an approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme.

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

10. No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

11. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

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

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

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

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

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

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

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

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.02.2025