

DELEGATED REPORT

Application No:	P/24/0090
Site Address:	14 Salisbury Close Heolgerrig Merthyr Tydfil CF48 1SD
Development:	Outline planning permission for up to 2 no. dwellings
Case Officer:	Rebecca Owens
Site Visit:	24th April 2024
Application Expiry Date:	23rd September 2024
Consultation reply date expired:	16th May 2024

APPLICATION SITE

The application relates to a parcel of land that currently forms an extended part of the private garden space of the adjacent dwelling (14 Salisbury Close to the south-west) located within an established residential area. The site is bound by a highway to the north-east (front) and a right of way along the north-eastern side and south-east (rear) boundaries with neighbouring dwellings beyond.

PROPOSED DEVELOPMENT

Outline planning permission is sought for residential development of the site with all matters reserved. As such, matters relating to the layout, scale, appearance, access and landscaping are reserved for future consideration.

However, in accordance with the legislative requirements for an outline planning application, indicative site layouts have been submitted suggesting the possible position of two dwellings and access. The drawing indicates that the proposed building could be either detached or semi-detached positioned centrally within the overall site. Access could be gained from the main highway (Salisbury Close) to the front of the site.

The scale parameters provided state that the proposed dwellings would be between 6.5m and 7m in height and between 10.5m and 11m in depth. Their widths as detached dwellings would be between 7m and 7.5m, while their width as a semi-detached pair would be between 13m and 13.5m.

PLANNING HISTORY

The relevant planning history which needs to be taken into consideration when determining this application is summarised below:

P/05/0141 Change of use of land to form part of curtilage serving 14 Salisbury Close, and erection of 1.8m high boundary enclosures.
Granted planning permission subject conditions on 9th November 2005 following appeal.

CONSULTATION

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

Head of Engineering & Highways	No objection subject to conditions
Policy Officer	No objection
Planning Ecologist	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Rights of Way	No objection
Dwr Cymru Welsh Water	No objection subject to conditions
The Coal Authority	No objection subject to conditions

PUBLICITY

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

Nine representations were received following this publicity exercise either objecting to the proposal or raising concerns. The main points raised within these are outlined below:

- The application site was not permitted to be developed as part of the original housing estate due to past coal mining activities. For this reason the land was sold on condition that it was only used as a garden and not to be built upon. There is concern that development could be potentially dangerous and result in issues such as subsidence for local properties. It has been questioned who would be responsible for rectifying such issues and who would cover the cost of this and any potential increase in insurance premiums or rejections in the future.
- The development of the site would result in issues with parking which is already a problematic and contentious issue in the area. The proposal would remove the on street parking currently available along its frontage
- The development of the site would create noise and disruption and building works would overlook neighbouring properties and their gardens and affect residents quality of life
- The building works would create congestion
- The proposal may result in the loss of the right of way which would affect local residents
- There have been past issues with drainage and floodwater in the area. Development of the site may compromise the culvert that runs alongside the area. In addition, the development of the site would increase surface water run off.

- Site investigation and preparation works which may involve drilling and grouting would cause vibration and noise disturbance to local residents
- Allowing this site to be developed would open up the possibility of another undeveloped plot in the street being developed which would result in the loss of a green space and impact of the outlook and possible value of adjoining properties.
- Maintenance of the vegetation along the right of way which results in the pathway being dark and leaf litter creating a slip hazard.

Local ward councillors have been informed of the concerns raised as a result of the publicity exercise and it has not been requested that the application be presented to the planning committee. As such, it shall be determined under the delegated powers by the Director of Neighbourhood Service.

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) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 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'*. In addition, in reference to character, Paragraph 3.9 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'*
- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that *'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'*

- Paragraphs 4.1.50 – 4.1.55 refer to car parking, with 4.1.51 noting “A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development”.
- In regard to Biodiversity and ecology, paragraph 6.4.3 states ‘*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 6.4.15 also outlines the step-wise approach.
- Land contamination is covered under paragraphs 6.9.16 to 6.9.21. Paragraph 6.9.18 noted that “*Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use*”. Paragraph 6.9.19 highlights that “*Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission*”.
- Land instability is referred to in Paragraphs 6.9.22 to 6.9.28. Paragraph 6.9.26 notes that “*Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place*”. Paragraph 6.9.27 highlights that “*Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission*”.

These policies are supplemented by guidance contained in the following Technical Advice Notes:

- TAN 5: Nature Conservation and Planning
- TAN 12: Design
- TAN 18: Transport

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW9 Planning Obligations
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species

- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW9 District Heating

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within a primary growth area of the settlement boundary and thus the principle of developing the site is acceptable providing the proposal complies with other relevant policies and material planning considerations.

Details with regard to the landscaping, layout of the proposed development and the appearance and scale of the buildings have been reserved for future consideration. However, the indicative site layout submitted with this application illustrates two dwellings and an upper and lower scale range for these has been provided. It is considered that the site would be able to accommodate these dwellings, in the positions identified and within the scale parameters provided whilst also allowing for parking and external amenity space. Whilst this would result in a low density development, it would be akin to the existing pattern of development and arrangement of other dwellings within the streetscene.

The indicative layouts illustrates the dwellings set back within the site so that the front elevations align with the established building line created by the existing dwellings in the street. As such it has been demonstrated that either two detached dwellings or a semi-detached pair of dwellings could be provided within the site whilst respecting the existing pattern of development. In addition, the upper and lower scale parameters of the dwelling heights, indicate that they would be of a height akin to the dormer bungalows that characterise the area and thus the development would sit comfortably within the streetscene. Accordingly, dwellings within the proposed scale parameters, could be sympathetically designed within the site without adversely impacting on the character and visual amenity of the area and thus in compliance with Policy SW11 of the LDP.

It is noted that details relating to the layout of the proposed development, and the appearance and scale of the buildings have been reserved for future consideration. As a result it is difficult to ascertain the specific affects that a residential development may have on the surrounding residents. Given that this is an outline application, it is the principle of residential development that is being considered. However, having regard to the indicative details and acknowledging that the maximum height would be 7m, it is considered that the application site could accommodate two dwellings up to the stated maximum scale limits, whilst not adversely impacting on the amenities of the surrounding residents to an unacceptable degree. It is recognised that there are dwellings located to the rear of the site and that the rear elevations of the proposed properties would be in relatively close proximity to these. However, having regard to the character of the area, which comprises of fairly uniform dormer bungalow style properties and the maximum height of the proposed dwellings, it is considered that similarly designed properties could be developed without resulting in overlooking or a loss of privacy to these neighbouring properties.

However, to ensure that the privacy of these dwellings is maintained in the future it is recommended that permitted development rights for roof extensions are removed. Having regard to this the proposal would be in accordance with Policy SW11 of the LDP

It is considered that the local highway network has the capacity to accommodate a residential development at this site. In addition, whilst the means of access to the development has been reserved for future consideration, an indicative plan has been provided indicating that access to the dwelling could be achieved off Salisbury Close. The Head of Engineering and Highways has not raised any objection to this. In terms of parking, the Head of Engineering and Highways has noted that there would be an off street parking requirement of one space per bedroom (up to a maximum of 3 spaces). As this application is for outline permission, this information is not yet known but it is considered that the site could accommodate off street parking to meet the needs of the proposed dwellings.

A Preliminary Ecological Assessment (PEA) has been submitted with the application and this has been considered by the Division's Ecologist. On the basis that the recommendations within this report are followed and the mitigation, compensation and enhancements outlined are provided, he is satisfied that the dwelling could be erected without harm to ecology. Conditions to this effect would be required with any permission.

The application site is located in an area at high risk from past coal mining activities with Coal Authority record indicating that within the site and surrounding area there are coal mining features and hazards. As such a Coal Mining Risk Assessment has been submitted in support of the application. This report acknowledges that there is a risk to the proposed development from potential shallow coal mine workings and has made recommendations to mitigate the risk with intrusive ground investigations required to characterise the depth/condition of any coal seams/workings. The Coal Authority are satisfied with the recommendations of the report and as such have not raised any objection to the proposal subject to conditions to secure the above investigation and any necessary mitigation/remedial measures necessary following this.

The site is within 250m of potentially contaminated land and historic maps indicate fill features within the site. As such any permission would require conditions to investigate for land contamination and secure the necessary remediation.

It is also noted that the application site is bound to the south and east by a right of way (Cyfarthfa 13). The submitted plans have been amended to remove this from the application site and as such the development would not impinge on this right of way and it would be outside of the residential curtilages of the dwellings. However, an informative can be added to any permission which highlights that this should be protected at all times. However, it is recognised that any new boundary treatments to the proposed properties would be erected alongside the right of way and thus consideration has been had for any potential overbearing impact on the footpath and its users. In this respect it is noted that the application site is already separated from the right of way by fencing which appears to be of a typical height for a garden boundary. Thus any new boundary treatments of a standard height (e.g. 1.7 to 2m) would not have any greater impact. In fact, there is scope for the appearance of the boundaries to be improved by the introduction of walls rather than fencing but this would be a consideration for the reserved matters stage.

As outlined above, nine representations were received following the publicity exercise either objecting to the proposal or raising concerns. In response to the main points raised the following comments are made:

- The exact reasons for this parcel of land being left undeveloped are not known but it is acknowledged that the site is in an area identified as being at high risk from past coal mining activity. As outlined above, the application has been supported by a Coal Mining Risk Assessment and the Coal Authority have not raised any objection to the development of the site subject to site investigation works and any necessary mitigation/remediation being undertaken. These will be conditioned to ensure that the site is developed safely and taking into account any risks associated with mining activities. Any covenants or restrictions on the use of the land when sold would not be a material planning consideration and would need to be addressed separately. Any damage to neighbouring properties as a result of the development would be a private matter between the parties concerns as would the costs of rectifying it. In terms of future rises in insurance premiums or rejections in the future, this is not a material planning consideration.
- It is acknowledged that parking maybe a contentious issue within the area but it is considered that this site could be developed for up to two dwellings whilst also providing adequate off street parking. Thus not adding to on street parking demand (other than potentially from visitors). In addition, the Head of Engineering and Highways has not raised any objection to the proposal on parking or highway safety grounds. It is recognised that by introducing driveways off the highway, on street parking would be reduced along the site frontage but this would not amount to a significant loss of spaces and would not be deemed detrimental enough to warrant the refusal of the application.
- As outlined above, the original plans submitted with the application included the right of way within the site boundary. However, this has subsequently been amended so the right of way does not form part of the application site and will not form any part of the residential curtilage of the approved dwellings. Notwithstanding this, the right of way would be protected by separate legislation outside of the planning system.
- Whilst there is a culvert in the area, this does not run adjacent to the application site and would not be impacted by the development. It is recognised that development of the site would increase hard surfaces and thus surface water but it is likely that the development would require a SuDS Approval Body (SAB) application which would ensure that surface water is adequately managed.
- It is recognised that site investigation, preparation works and construction of the dwellings may result in vibration and noise disturbance to local residents. However, this would only be for a limited period of time and would not result in any harmful long term impact that would warrant the refusal of the application.
- Similarly, during development there may be some additional congestion on the adjacent highway from associated construction vehicles but again this would be only be a temporary inconvenience to local residents.
- Any future planning applications for undeveloped parcel of land within the area would be considered on their individual planning merits and the loss of greenspace and its contribution to the character of the area would then be considered.
- Loss of view and impact of the development on the value of adjoining properties is not a material planning consideration.
- The local planning authority cannot control maintenance/cutting back of existing vegetation along the right of way or indeed of any new trees or vegetation which may be proposed as part of the landscaping details.

Planning Obligations

Policy SW9 relates to planning obligations. Given that the proposal is for a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. However, Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

CONCLUSION

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. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use:

- i) existing and proposed site levels including full cross sectional drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the position height and material of all walls, fences and other means of enclosure;
- iv) full construction and facing material details of any retaining walls over 1 metre in height;

Reason - To ensure a satisfactory standard of development and protect local amenity interest.

5. **BEFORE WORKS COMMENCE ON SITE** (including ground works and vegetation clearance) a detailed long-term Landscaping, Habitat & Ecology Scheme (LHES) shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details. The LHES must include, but not be limited to, the following:
- o Details of retained landscaping/habitat/green infrastructure
 - o details of new landscaping/habitat/green infrastructure
 - o A planting plan
 - o Long term (at least 25 years) maintenance and management measures for all onsite landscaping/habitat/green infrastructure (both retained and new)
 - o Details of other ecological measures/enhancements including timescales for implementation
 - o Monitoring post-development for all onsite landscaping/habitat/green infrastructure and other ecological measures
 - o Details of the funding mechanisms to meet the maintenance, management and monitoring objectives.
 - o Details of the responsible person

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. 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 to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. The development shall be carried out in accordance with the Preliminary Ecological Assessment 2023 Issue 1VB, produced by BE Ecological Ltd, Received 31 July 2024. In line with this document, details relating to hedgehog gaps, bat box, bird

box and reptile hibernaculum shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works and shall be implemented in full prior to the occupation of the dwellings.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **BEFORE WORKS COMMENCE ON SITE** (including ground works and vegetation clearance) a Precautionary Working Method Statement for, invertebrates, reptiles, hedgehog and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and timescales.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **Prior to the installation of any external lighting**, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning Authority, which shall include:
- Details of the siting and type of lighting to be used, including the colour temperature
 - A plan illustrating the lux levels across the site to ensure boundary habitats remain dark and dark corridors are maintained.

The lighting scheme shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. 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.

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12. **No development shall take place** until an intrusive site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be

submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to mitigate/remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Mitigation/remedial measures shall be carried out in accordance with the approved details and retained in perpetuity. Prior to the occupation of the dwellings 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 the Local Planning Authority for approval in writing. 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 - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

13. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition , additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

14. **No development shall commence** until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

- (iv) A detailed land contamination remediation scheme which includes all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

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

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

15. **BEFORE** the occupation of the dwellings, a verification report (or validation report) prepared by a third party and a "competent person" shall be submitted to and approved in writing by the local planning authority. This shall demonstrate the effectiveness of the remediation carried out together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils. The approved monitoring and maintenance programme shall be implemented in full.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

16. Notwithstanding the provisions of schedule 2, part 1, classes B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no enlargements of the dwellinghouses consisting of an extension, addition or alteration to their roofs shall be erected or undertaken, other than those expressly authorised under the reserved matters by the local planning authority.

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

INFORMATIVES

1. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written

permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the developer is directed to the Coal Authority interactive map viewer.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

2. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It although the planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination.
3. The developers attention is drawn to the comments received from Dwr Cymru Welsh Water during the application process which are available to view on the MTCBC website.
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.

6. The developer is advised that the application site is bound by a Right of Way (Cyfarthfa 13). This should be protected and remain unobstructed at all times.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 01.10.2024