

DELEGATED REPORT

Application No:	P/22/0018
Site Address:	Land Off Winchfawr Road (to The North Of Perthddu) Heolgerrig Merthyr Tydfil
Development:	Detached dwelling with detached garage
Case Officer:	Rebecca Owens
Site Visit:	7th February 2022
Application Expiry Date:	25th March 2022
Consultation reply date expired:	9th January 2023

APPLICATION SITE

The application relates to a parcel of land containing a dilapidated garage and two storage containers. It is located in a semi-rural location within the settlement boundary. It is bound by a highway to the east, a private track to the north, land to the east and another dwelling to the south. The profile of the site slopes upwards to the west.

PROPOSED DEVELOPMENT

Full planning permission is sought for a detached, three bedroom dwelling with a detached garage alongside. These would be sited centrally within the site fronting towards Winchfawr Road. Access to the site would be gained from Winchfawr Road and parking would be provided on a hardstanding to the front of the site and within the proposed garage.

The dwelling would have an 'L' shaped footprint with a projecting front gable. It would have a maximum width of 16m, a maximum depth of 11.1m and a ridge height of 6.4m. The roof would feature two front dormer windows and solar panels are proposed on the rear roof plane and both roof planes of the front gable.

The proposed garage would be sited to the north of the dwelling and would be 7m in depth by 5.652m in width. It would have a pitched roof with a ridge height of 5.09m and this would feature solar panels on both roof planes.

In addition to the above other associated works are proposed which are summarised below:

- The site would be reprofiled to create two flat levels with a retaining wall to the rear of the site at a height of 1.86m and a shorter retaining wall across the rear garden which would be 0.62m in height.

- The northern boundary (adjacent to the private lane) would comprise of a stone faced wall with glass balustrading above this where it runs adjacent to the proposed driveway of the dwelling.
- The southern boundary (adjacent to Perthddu) would comprise of a retaining wall alongside the rear garden and a wall with close board timber fencing above along the remainder of the boundary.
- The front boundary would comprise of a stone faced wall with glass balustrade above.

PLANNING HISTORY

The relevant planning history is summarised below:

- | | |
|-----------|---|
| P/21/0136 | Discharge of conditions 2 (ground level details) and 4 (soakaway calcs) of planning permission P/16/0177 for the erection of domestic storage building
Approved on 1 July 2021 |
| P/16/0177 | Erection of building to be used for domestic storage purposes
Granted planning permission subject to conditions on 28 October 2016 |
| P/07/0047 | Erection of house
Refused planning permission on 19 April 2007 for the following reasons: <ol style="list-style-type: none"> 1. The erection of a dwelling on the site would prejudice highway safety contrary to Policies H3 and H4 of the mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991-2006 and Policy H2 of Merthyr Tydfil Local Plan. 2. The use of Winchfawr Road as a means of access / egress to the proposed dwelling would give rise to additional vehicular movements along this sub standard lane, which is narrow and without pavements. 3. Safe and adequate means of access / egress to the proposed dwelling cannot be provided from Winchfawr Road as the required vision splays cannot be provided within land which falls within the applicant's ownership or control. <p style="margin-left: 20px;">Subsequent appeal dismissed on 20 November 2007</p> |
| P/05/0610 | Erection of dormer bungalow (Outline)
Refused outline planning permission on 8 March 2006 |
| P/04/0582 | Four bedroom detached house with integral garage
Refused planning permission on 22 December 2004

Subsequent appeal dismissed on 7 September 2005 |
| P/04/0509 | Erection of dormer bungalow (Outline)
Refused planning permission on 28 November 2004 |
| P/01/0183 | 1 No. dwelling (Outline)
Granted outline planning permission subject to conditions on 28 June 2001 |

P/96/0174 1 No. dwelling
Granted outline planning permission subject to conditions on 5 July 1996

CONSULTATION

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

Head of Engineering	No objection subject to conditions
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to enhancements and mitigation
Environmental Health Manager	No objection subject to conditions
Natural Resources Wales	No objection
Dwr Cymru Welsh Water	No objection
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 neighbouring properties and two site notices were displayed within the vicinity of the site.

Three letters of objection were received following this publicity exercise (two of which were from the same person). The main points raised within these are summarised below:

- Winchfawr Road is already over used and there has been an increase in traffic using the road. It is already a high risk with traffic passing through a narrow road and the proposal would add to this. It is also suggested that there have been a number of accidents on the road within the last 18 months.
- The use of the narrow road by construction and delivery vehicles would cause a disruption.
- Exiting the private lane onto Winchfawr Road may be an issue due to the speed and increase in traffic.
- It has been suggested that part of the existing pavement has been taken.
- Metal fencing has been erected along the front of the site which prevents people walking along the grass verge and having to walk on the road. This would be replaced by a wall as part of the proposal which is risking lives.
- The names on the title deeds do not match the name of the applicant.
- Previous planning applications have been refused due to highway concerns.
- Reference has been made to a previous permission for a garage (Planning Ref: P/16/0177). The objector had not seen anything for this application and nothing has been done to the site in the last 5 years
- Reference has been made to access from the private lane to the north of the site but the proposal has been amended with access now proposed directly from Winchfawr Road.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of Neighbourhood Services.

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 11, February 2021) 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 4.2.17 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...'*
- Paragraphs 4.1.49 – 4.1.54 refer to car parking, with 4.1.50 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 6.4.21 also notes that *"Planning authorities must follow a step-wise*

approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible”.

- Paragraphs 6.9.22 – 6.9.28 refer to land instability.

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
- SW12: Improving the Transport Network
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection

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

Principle

The application relates to a parcel of land within the primary growth area of the settlement boundary and as such, the principle of development is acceptable subject to compliance with other relevant planning policies and an assessment of material planning considerations.

Design and visual amenity

The application site is located in a semi-rural area characterised by dwellings of varying designs and scales. As such, there is no uniformity in the appearance of these dwellings allowing for more scope in the design of any new dwelling. The proposed dwelling and associated garage are considered to be of an acceptable design and scale which would sit sympathetically within the streetscene without appearing discordant or incongruous. However, it is noted that the material finishes have not been fully specified and as such a condition will be required so these are first agreed with the planning division to ensure they are appropriate. The boundary enclosures proposed are also deemed to be generally

acceptable but it is again recommended that a condition is attached to any permission issued which requires full details of these to be submitted to and approved by the local planning authority. With the inclusion of the above conditions, the proposal is found to be acceptable in terms of its design and impact on the visual amenities of the area. It would therefore accord with Policy SW11 of the LDP.

Residential amenity

The impact of the proposal on the residential amenity of neighbouring occupants has also been considered. In this respect it is noted that despite the semi-rural character of the area, the application site is located in a pocket of residential premises with other dwellings to the north, south and west. Notwithstanding this, it is only bound by one dwelling, namely Perthddu, which is located to the south. The proposed dwelling would be sited approximately 0.95m to 7.9m away from the shared boundary with this property and given its modest eaves height of 3.5m it is not considered that it would have an overbearing impact or result in any harmful loss of light or overshadowing. It is also noted that whilst the southern facing elevation contains windows, these are at ground floor level and thus would not give rise to any overlooking or loss of privacy.

The garage would be erected almost hard on the boundary to the north of the site, this would be separated from the dwelling opposite (16 Winchfawr) by a private lane and would have an eaves height of 2.8m, as such it is not considered that it would have any harmful impact on this property.

With respect to the properties to the rear, these are again separated from the application site by a parcel of land which it appears may be used by one or more of these dwellings. However, the dwelling would be sited at a minimum distance of 10m from the western boundary and would occupy a lower level. As such it would not have any significant impact on either this land or the dwellings beyond. Similarly, whilst there would be windows and glazed doors in the rear elevation of the dwelling, these would again be at ground floor level. Thus, having regard to the difference in level between the dwelling and land to the rear it is not considered that these would result in any significant overlooking or loss of privacy.

Having regard to the above and noting that the objections raised did not relate to residential amenity, the proposal is found to be acceptable in this respect and therefore complies with Policy SW11.

Parking and highway safety

It is recognised that previous applications for a dwelling on parts of this site have been refused planning permission on highway grounds. The most recent of these, planning reference P/07/0047, was subject of an appeal. The Inspector noted that *"the extra traffic expected from the single dwelling now proposed is unlikely to add materially to the difficulties that the road presents or increase the risk to its users"*. However, he had misgivings that the proposed visibility was adequate to allow safe use of the access and, given issues surrounding the ownership of the land required to provide the visibility splays, had doubts as to whether these could be provided and kept fit for purpose. As such the appeal was dismissed for this reason. The application currently under consideration is for a larger site consolidating parcels of land which were previously considered separately as part of the preceding applications.

Access to the proposed dwelling would be achieved via the creation of a new 4m wide private access directly off Winchfawr Road. The boundary of the site would also be set back to create a verge which would facilitate achievable vision splays of 2.4m x 25m to the left and 2.4m x 27m to the right. The Head of Engineering and Highways has considered this information and deemed it an acceptable arrangement which would not be harmful to highway safety. It would also appear that the land required to provide the visibility splays is now in the control of the applicant with the exception of minor strips (with unknown ownership) which would not likely affect the visibility splays from being retained. Furthermore, and as outlined by the Inspector above, it is noted that the additional traffic associated with a single additional dwelling on this site would not result in a harmful impact which would warrant the refusal of the application.

A general concern with regard to the lack of segregated pedestrian footway provision within the wider highway network has been raised by the Head of Engineering and Highways, which would discourage walking, but there are opportunities for on road cycling. In addition, the lack of segregated footway provision in the area is an existing issue which affects a number of houses in the area and as such would not warrant refusal of this application. Furthermore, the setting back of the site boundary would allow for a footway to be provided in the future when it is able to connect to the wider highway network.

With regard to parking, the proposal is for a three-bedroom detached dwelling and the proposal includes a detached garage and driveway sufficient in size to accommodate the parking in excess of three vehicles. This is adequate off street parking provision to meet the needs of the dwelling.

Ground stability

The application site is located within an area identified as being at high risk from past coal mining activities with the Coal Authority noting that the site lies in an area where coal mining has taken place at shallow depth and where further historic unrecorded shallow coal mining may have taken place. As such a Coal Mining Risk Assessment has been submitted with the application. This concludes that recorded workings pose a potential risk to ground stability at the site and recommends the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, in order to further assess the risk posed by these mine workings. The Coal Authority is satisfied with this and has not objected to the application subject to associated conditions being attached to any permission which may be granted.

Contaminated land

The site is located within 250m of potentially contaminated land and historic maps indicate some fill features on site. As such the Environmental Health Manager has requested conditions requiring site investigation into contamination be included on any permission issued.

Ecology

A Preliminary Ecological Assessment (PEA) has been submitted with the application. The Planning Division's Ecologist is satisfied with the content of this report subject to the recommended compensation and mitigation measures being followed/provided. To ensure that these are implemented relevant conditions will be attached to any decision issued.

Representations

It is acknowledged that letters of objection were received following the publicity exercise. The majority of the points raised related to highway safety and the additional use of Winchfawr Road as a result of the proposal. These matters have been considered above. However, in response to the other points made the following comments are made:

- Whilst the use of the narrow road by construction and delivery vehicles may result in some disruption, this would only be for a temporary period while construction works were being undertaken.
- It has been suggested that part of the existing pavement has been taken but this would not be a matter for the planning division. If the applicant has claimed land not in their ownership this would be a civil matter.
- If the applicant owns the land up to the edge of the highway, permission is not required to enclose this land (within permitted development rights). However, the amended proposal being considered includes land to the front of the site which could provide some form of pavement for pedestrians. Notwithstanding this, there is a limited opportunity to provide a footpath that provides a suitable link to a wider network of paths/pedestrian routes within vicinity due to the nature/characteristic of the existing highway.
- The fact that the names on the title deeds may not match the name of the applicant is not a matter for the planning division. However, the agent has indicated that that the name on the deeds does refer to the applicant.
- Whilst reference was made to a previous permission for a garage (Planning Ref: P/16/0177) with the objector noting that they had not seen anything for this application and that nothing has been done to the site in the last 5 years. This is not relevant to the determination of this application.

Planning obligations

Policy SW9 relates to Planning Obligations. Given that the proposal is for only one 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. 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 Title: Ground Floor Plan, Drawing Number: WF-01 Rev A, Received on 9 December 2022

Drawing Title: First Floor Plan, Drawing Number: WF-02 Rev A, Received on 9 December 2022

Drawing Title: Front & Rear Elevations, Drawing Number: WF-03 Rev A, Received on 9 December 2022

Drawing Title: Side Elevations, Drawing Number: WF-04 Rev A, Received on 9 December 2022

Drawing Title: Proposed Site Plans, Drawing Number: WF-06 Rev B, Amended Plan Received on 22 May 2023

Drawing Title: Proposed Sections, Drawing Number: WF-09 Rev A, Received on 9 December 2022

Drawing Title: Proposed (access plan) Drawing Number: 1550-ACS-XX-ZZ-DR-T-002-B Submitted on 22 May 2023

Preliminary Ecological Assessment, Issue 1VA, produced by BE Ecological Ltd. dated 20/02/23 and received on 23 February 2023

Coal Mining Risk Assessment, produced by Rhondda Geotechnical Services, dated 13/02/2023 and received on 23 February 2023

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

3. **No development shall take place** until a 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 remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan..

4. **Prior to the occupation of the dwelling** hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to 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 in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

5. 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 3, 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 in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

6. **Prior to the occupation of the dwelling** hereby approved, vision splays of 2.4m x 25m to the north and 2.4m x 27m to the south shall be provided at the proposed access in accordance with approved drawing number "1550-ACS-XX-ZZ-DR-T-002-B". These shall be retained, free from obstructions, indefinitely.

Reason - In the interests of highway safety and the free flow of traffic.

7. **Prior to the occupation of the dwelling**, hereby permitted, the driveway indicated on drawing no. "WF-06 Rev B" shall be provided and kept available for the purpose of parking and turning vehicles at all times thereafter.

Reason - To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, to accord with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

8. **No development shall take place**, or any demolition works or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and 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.

9. **Phase 1 investigation**

No development shall take place until a Phase 1 Land Contamination investigation has been carried out. The Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to

present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10. **Phase 2 investigation**

Should the Phase 1 Contamination investigation carried out under condition 9 identify the presence of potentially unacceptable risks, **no development shall take place until** a Phase 2 site investigation has been carried out.

A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before the commencement of the Phase 2 investigation.

The completed Phase 2 investigation report together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any development or remediation works being carried out.

The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - To ensure the risks from land contamination to future users of land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

11. Should Land Contamination Remediation Works be identified as necessary under condition 10, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include 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. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the risks from land contamination to future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

12. Following the completion of measures identified in the approved remediation scheme and prior to the occupation of the dwelling, a verification report (prepared by a third party and a "competent person") that demonstrates the effectiveness of the remediation carried out must be produced, together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils, shall be submitted to the Local Planning Authority for approval. The monitoring and maintenance programme shall be implemented in accordance with the approved details.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

13. Before the dwelling hereby approved is occupied, details of the following, together with a plan(s) showing their exact siting/location(s) shall be submitted to and approved in writing by the local planning authority:
- o An integrated bat box.
 - o An integrated sparrow terrace.
 - o Gaps in boundaries for the free passage of hedgehogs across the site.
 - o A hibernaculum.

All of the above shall be installed/provided in accordance with the approved details before the dwelling is occupied and shall be retained in perpetuity.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

14. **Before any works commence on site** a Reptile Mitigation Strategy (RMS) shall be submitted to an approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved RMS.

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

15. **Before any works commence on site**, a method statement for the dismantling of the onsite building (with consideration for bats) shall be submitted to an approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved method statement.

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

16. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall clearly identify areas of habitat on site that will be removed and those that will be retained and set out measures for their protection throughout the course of development. It shall also include details for the locations of the wildflower and lawned areas outlined in the Preliminary Ecological Assessment

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to protect the natural environment and important habitat in accordance with Policies SW11, EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

17. 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.

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

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

19. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

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

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

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.

21. **No development shall commence** until details of existing ground levels and proposed finished ground and floor levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

22. Notwithstanding the provisions of schedule 2, part 1, class B 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 rear dormer windows shall be erected.

Reason - In the interest of residential 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 will result in trespass, with the potential for court action. 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

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.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

P.P.

DATE: 09.06.2023