

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Mr Clive Tovey c/o Drawing And Surveying Services 3 Thornbury Close Clwydyfagwr
Merthyr Tydfil CF48 1HP

WHEREAS you submitted an application on the 27th May 2021 to develop: Autumn Leaves Grawen Lane Cefn Coed Merthyr Tydfil CF48 2NP short particulars of the application being as follows:-

Name of the Applicant

Mr Clive Tovey
Autumn Leaves, Grawen Lane
Cefn Coed
Merthyr Tydfil
CF48 2NP

Description of Proposed Development

Erection of a new unit of holiday accommodation (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 27th April 2023

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

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: Existing & proposed plans & elevations, Amended plan received on 25 September 2022

Drawing Title: Proposed layout - Parking arrangement, Amended plan received on 25 September 2022

Drawing Title: Tree Protection Plan - Proposed layout, Drawing Number: Arbtech AIA 01, Received on 9 August 2022

Drawing Title: Arboricultural Impact Assessment - Proposed layout, Drawing Number: Arbtech TPP 01, Received on 9 August 2022

Ecological Impact Assessment, Revision 3.0, dated 15 December 2022, produced by Acer Ecology and received on 20 December 2022.

Arboricultural Method Statement to BS5837:2012, dated 5 August 2022, produced by Arbtech and received on 9 August 2022

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

- 3 The holiday accommodation hereby approved shall only be used in conjunction with the dwelling known as Autumn Leave, Grawen Lane, Cefn Coed, Merthyr Tydfil.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

- 4 All planting of the six trees and planting and seeding of the wildflower areas identified on Plan 8: Compensation Planting and Landscaping Scheme for Development of The Ecological Impact Assessment, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, in accordance with the details contained within The Ecological Impact Assessment, and any plants or trees 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 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.

- 5 **BEFORE** the development hereby approved is brought into beneficial use, the bat box proposed on a tree within the sycamore treeline along the eastern boundary of the site shall be erected in accordance with the details contained within the Ecological Impact Assessment, and shall be retained in perpetuity thereafter.

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

- 6 **Prior to works commencing on site** details of the exact siting of the bird boxes detailed within the Ecological Impact Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be erected before the development, hereby approved, is brought into beneficial use and shall be retained in perpetuity thereafter.

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

- 7 **No external lighting shall be installed on the holiday accommodation**, hereby approved, until a detailed lighting scheme has first been submitted to and approved in writing by the local planning authority. The lighting scheme shall provide the specification of the luminaires to be used demonstrating that it conforms to guidelines in terms of colour temperature and should demonstrate that light will be directed away from the proposed bat boxes and any potential roost features that may be present. The lighting scheme shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 8 **BEFORE** works relating to the additional car parking spaces illustrated on the proposed site layout commence, details of their construction, including levels and any associated retaining works shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details **PRIOR** to the holiday accommodation hereby approved being brought into beneficial use and the car parking spaces shall remain available for their designated use in perpetuity.

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

INFORMATIVES

1. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

2. 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.

3. 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.

4. The applicant is advised that this permission does not permit any works to the trees to the north of the site which are subject to a Tree Preservation Order. No works are to be undertaken to these trees without approval first being granted for works to Trees subject to a Tree Preservation Order. Accordingly if any work would affect these tree you are strongly advised to seek advice from the Local Planning Authority.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.