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

APPEAL IS ALLOWED

Appellant:
Merthyr Tydfil Housing Association

Appeal Ref: APP/U6925/A/19/3231012
Proposed Development: Construction of 10 dwellings with associated retaining walls, parking, access and footpath.
Site Address: Land at East Street and Upper Union Street, Dowlais, Merthyr

The Welsh Ministers have transferred the authority to decide appeal ref:
APP/U6925/A/19/3231012 to A L McCooey

The appeal is **ALLOWED** and planning permission is granted for the construction of 10 affordable dwellings with associated retaining walls, parking, access and footpath in accordance with the terms of the application ref. P/18/0330, dated 5th October 2018, subject to the following conditions:

1. The development shall begin not later than five years from the date of this decision.

   Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:
   Drawing No. SK11 Rev P3 (Vehicle Manoeuvres and Visibility Splays), received 01.03.2019
   Drawing No. A112 Rev K (Proposed Site Layout), dated 17.05.2019
   Drawing No. A113 Rev B (Floor Plan - Plots 1 & 2), received 21.01.2019
   Drawing No. A114 Rev B (Elevations - Plots 1 & 2), received 21.01.2019
   Drawing No. A115 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019
   Drawing No. A116 Rev B (Elevations - Plots 3 & 4), received 21.01.2019
   Drawing No. A117 Rev B (Ground Floor Plan - Plots 5 - 10), received 21.01.2019
   Drawing No. A118 Rev B (First Floor Plan - Plots 5 - 10), received 21.01.2019
   Drawing No. A119 Rev B (Front & Rear Elevations Plots 5-10), received 21.01.2019
   Drawing No. A120 Rev B (Side Elevations Plots 5-10), received 21.01.2019
   Drawing No. A123 Rev F (Context Elevations), received 22.01.2019
   Drawing No. A124 Rev E (Site Sections), received 21.01.2019
   Drawing No. A125 Rev B (Perspective View 1), received 21.01.2019
   Drawing No. A126 Rev D (Perspective View 2), received 22.01.2019
   Drawing No. A127 Rev C (Perspective View 3), received 22.01.2019
   Drawing No. A128 Rev D (Proposed Landscape Layout), received 28.02.2019
   Ecological Assessment (prepared by David Clements Ecology Ltd), dated May 2017
   Archaeological Desk Based Assessment (prepared by Archaeology Wales), dated May 2017

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

3. Prior to the construction of the dwellings hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings 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 BW7 of the Merthyr Tydfil Local Development Plan.

Condition 3 Discharged on 02.07.2020 – App No. P/20/0083

4. Prior to works commencing on site details/samples of the railings and stonework facing material to be used on the retaining walls, shall be submitted to and approved in writing by the local planning authority. The retaining walls and boundary treatments (as illustrated in drawing No. A112 Rev K) shall be fully completed in accordance with the approved details prior to the occupation of any dwelling.

   Reason - To ensure that the new development will preserve the character and appearance of the Conservation Area and be visually attractive and that boundaries are protected in the interests of amenity in accordance with Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan.

   Condition 4 Discharged on 02.07.2020 – App No. P/20/0083

5. 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 soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate and an implementation programme (including phasing of work where relevant).

   Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

   Landscaping scheme approved on 16.04.2020 under application P/20/0055

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 BW7 of the Merthyr Tydfil Local Development Plan.

7. No development shall take place, 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.

   Condition 7 Discharged on 02.07.2020 – App No. P/20/0120

8. No development shall take place until details, including structural calculations, 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 to ensure that the development is in keeping with the character of the area in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

Condition 8 Discharged on 02.07.2020 – App No. P/20/0077

9. 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 occupation of any dwelling, 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.

   Condition 9 Discharged on 02.07.2020 – App No. P/20/0077

10. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the local planning authority. Thereafter, the programme of works will be fully carried out in accordance with the requirements and standards of the written scheme.

    Reason - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on archaeological resource and to accord with Technical Advice Note 24: The Historic Environment and Policy BW6 of the Merthyr Tydfil Local Development Plan.

    Condition 10 Discharged on 02.07.2020 – App No. P/20/0120

11. Prior to the occupation of any dwelling full construction details for the widening of the carriageway and the provision of a 1.5m wide footpath along the southern boundary of the site, as illustrated on the Site Layout (Drawing No. A112, received 17th May 2019), shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details and completed to wearing course level prior to the occupation of the last dwelling.

    Reason - In the interest of highway safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

    Condition 11 Discharged on 19.05.2020 – App No. P/20/0078

12. No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) wheel washing facilities; and v) measures to control the emission of dust and dirt during construction; and vi) noise mitigation measures.

    Reason - In the interests of the highway safety and free flow of traffic, to protect the environment and the amenities of neighbouring properties so as to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

Condition 12 Discharged on 02.07.2020 – App No. P/20/0077

13. 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 Policy BW7 of the Merthyr Tydfil Local Development Plan.

14. The clearance/development of the site shall be carried out in accordance with the recommendations set out Section 6 of the Ecological Assessment (Prepared by David Clements Ecology Ltd).

    Reason - To minimise any potential harm to protected species and to protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

15. The proposed residential units hereby approved shall only be used for affordable housing purposes in accordance with the definition of affordable housing as set out in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The residential units shall be affordable for both the first and subsequent occupiers.

    Reason - To ensure an appropriate level of affordable housing is delivered in accordance with Policies BW19 and AS22 of the Merthyr Tydfil Local Development Plan.

16. 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 dormer windows shall be erected on the rear roof plane of any dwelling house.

    Reason - to ensure that the development is in keeping with the character of the area in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

17. Notwithstanding the provisions 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 fences, railings, gates or walls shall be erected within the curtilage of any dwelling house.

    Reason - To minimise any potential overbearing impacts and to ensure that the development will preserve the character and appearance of the Conservation Area in accordance with Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan.

Date: 1st October 2019

A L McCooey
Inspector