

DELEGATED REPORT

Application No: P/24/0272

Site Address:
**The Norton
High Street
Penydarren
Merthyr Tydfil
CF47 9HG**

Development: **Change of use, part demolition and conversion of Norton Tavern to provide 6 residential flats. Erection of two dwellings with associated new access, parking and re-profiling works.**

Case Officer: **Kate Glover**

Site Visit: **8th January 2025**

Application Expiry Date: **7th February 2025**

Consultation reply date expired: **10th January 2025**

APPLICATION SITE

The application site comprises a public house and an area of amenity land to the northeast. The public house is located on a corner with the principal elevation fronting on to the High Street (southeast) and the side elevation orientated towards a parking and turning area (southwest). The building is a substantial property which is located hard on the boundaries and the southwest elevation occupies the full length of the boundary. The building comprises of a number of sections which may have been part of the original building or may be extensions that have been added over time. Additionally the building includes a flat roof conservatory.

The external materials of the building comprise of a mixture of painted brickwork and slate cladding on the upper sections of the southwest elevation, a slate roof and red brick chimneys. The façade of the building includes decoration beneath the windows and a mid-level cornice. The tops of the windows include an arch and appear to be timber sash in construction and design. The front door of the property is an attractive wooden door with a panelled design. A door on the southwest elevation is uPVC, in addition a roller shutter has been placed over the opening and a second roller shutter has been installed over another opening in the same elevation. The rear conservatory is of a uPVC construction.

The amenity area measures approximately 597m². Aerial photographs and photographs taken during a site visit (as part of a pre-application enquiry), show that the majority of this area comprises of amenity grass with a number of trees located along the rear (northwest)

boundary, which extends into the corner of the site (northeast). Mature shrubs were also positioned along the front boundary of the site that is located along the High Street (southeast).

The topography of the area is such that the land slopes downwards from the rear of the site to the front of the site and whilst the main public entrance to the building is directly from the pavement along the High Street, the ground level of the amenity area is higher and is retained by a boundary wall.

During the site visit associated with this planning application it was noted that the public house appeared to be the subject of building works, and a significant degree of excavation had taken place in the amenity area to the side of the property. The degree of excavation along the rear boundary of the site appears to be significant with several meters of ground being removed. The majority, if not all the trees along the rear boundary and corner had been felled and all the shrubs on the front boundary along the High Street had been removed or pruned to ground level.

A complex of residential flats with an associated private parking area and amenity areas are located hard on the rear of the boundary of the site. The parking area and amenity areas are positioned directly adjacent to the boundary with the site. It is noted that plans submitted in support of the application show the ground level of the private parking area is slightly above that of the site and because of a change in topography caused by the ground level sloping upwards from the parking area to the amenity areas, the amenity areas are approximately 2 m higher than the ground level within the site. The elevations of flats No.s 1 to 8 and the flats No.s 9 to 14 being located at distances of approximately 13m and 3.7m respectively.

The site is within the settlement boundary, as defined in the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031, within Urban Character Area 7 (Penydarren) and the Norton Tavern is a Locally Listed Building.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the Norton Tavern and convert the building to 6 residential flats, change the use of the wider site in order to provide a parking and turning area and erect a pair of semi-detached dwellings.

The change of use of the building would result in 3 No. one bed flats located at ground floor level and 2 No. one bedroom flats and a two bedroom flat being located at first floor level. The plans illustrate that two amenity areas and a cycle store would be provided for the occupants of the flats.

Alterations to the building include partial demolition by removing a section of the rear gable which measures approximately 4.94m deep and 5.58m wide along with the removal of the conservatory. The reason for the demolition is to provide pedestrian and vehicular access/egress to the proposed parking and turning area to serve both the converted building and the proposed 2 dwellings.

Other alterations to the building include the creation of a number of windows. In the rear elevation a new window will be provided to serve a ground floor kitchen. In the side elevation (northeast) new windows will be provided at ground and first floor level, both these windows would serve lounge areas associated with the respective flats. No new

windows would be provided in the main principal elevation, however there is a section of the principal elevation that is set back and, in this elevation, a new window and door would be provided. On the side elevation (southwest) three new windows would be provided at ground floor level.

A pair of semi-detached, 3 bedrooned dwellings would be constructed close to the northeast/northwest corner of the site and to accommodate the difference in ground levels, the rear of the dwellings would appear as dormer bungalows. However, the principal elevations of the property's would appear to be two storey high with accommodation provided in the roof space with the provision of dormer windows in both front and rear roof planes. In respect of the internal arrangement of living accommodation, 2 No. bedrooms would be provided in the roof space, a kitchen and living room would be provided on the first floor level and the entrance and another bedroom would be provided on the lower ground floor. Each dwelling would have a private amenity area located between the rear elevation of the proposed dwellings and the rear boundary of the site.

The rear elevations of the proposed dwellings would be approximately 3.55m from the boundary shared with the flats at the rear of the site and the separation distances between the windows on flats No. 5 to 8 and No. 9 to 14 would be approximately 11.58m and 7.44m respectively. The proposed amenity areas would be adjacent to the amenity areas of flats No. 5 to 8 and 9 to 14. Access to the dwellings' associated amenity areas would be via the first floor of the properties and the ground level of the amenity areas would be some 0.85m below that of the adjacent properties.

In respect of parking provision, a parking space would be located on the southwest side of one dwelling and for the other dwelling, a parking space would be located on its southeast side.

Turning to pedestrian and vehicle access/egress and parking provision. As referred to above, the application includes the demolition of part of the Norton Tavern to provide access to the wider site. The plans illustrate that a vehicular turning area would be provided within the site, and 8 parking spaces would be positioned along the front boundary, which is hard on the High Street. A pedestrian footpath would be provided from the site entrance and along the rear boundary.

In terms of green infrastructure, the plans indicate that some areas of grass would be provided around the northwest, northeast and southeast boundaries of the site.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

Planning Policy Officer:	Objection.
Planning Ecology Officer:	Objection: further information is required.
Head of Engineering & Highways:	No objection in principle, however further information is required.
Head of Property and Estates	Objection: involves development on Council land.
The Mining Remediation Authority:	No objection subject to conditions.
Dwr Cymru/Welsh Water:	No objection.

Environmental Health Manager:	No objection.
South Wales Police:	No objection.
South Wales Fire and Rescue:	No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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) (PPW12).

Local Planning Policies

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

- Policy SW1: Provision of New Homes
- Policy SW2: Provision of Affordable Housing
- Policy SW3: Sustainably Distributing New Homes
- Policy SW4: Settlement Boundaries
- Policy SW9: Planning Obligations
- Policy SW11: Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation & Ecosystem Resilience
- Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature
- Conservation, Local Nature Reserves and Priority Habitats and Species
- Policy EnW4: Environmental Protection
- Policy CW1: The Historic Environment

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 (March 2012)
- Note 2: Planning Obligations (March 2012)
- Note 4: Sustainable Design (July 2013)
- Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The proposal has been the subject of pre-application advice, and a number of issues were raised with regards to the principle of development (loss of a community building), impact on ecology, impact on the residential amenities of neighbouring properties. Other matters were also raised in relation to the details of the proposal including the width of the footpath provided within the site and visual impact caused by engineering works and position of the proposed parking area. The agent/applicant were advised that further information should be submitted in support of any future planning application.

Matters were raised in respect of the previous plans showing the loss of the building's chimneys and its location within an area identified by the Mining Remediation Authority as a high risk area. It is noted, however, that the chimneys are now being retained, and a Coal Mining Risk Assessment has been submitted in support of the planning application.

In relation to the current application the main issues to be addressed relate to the principle of development, visual impact, impact on ecology, impact on residential amenity and highway safety and parking.

Principle of Development

It is noted that the development is within the settlement boundary and a primary growth area which is considered to be a sustainable location, and the site is adjacent to a proposed Active Travel Route and public transport. There are no concerns regarding the principle of development in respect of policy SW4, however there are other concerns regarding the principle of development in respect of LDP policy SW13.

The proposal would result in the loss of a public house, which the LDP identifies as a community facility. LDP Policy SW13 (Protecting and Improving Local Community Facilities) advises that:

The Council will protect and support the enhancement of the County Borough's existing community facilities. Development proposals that would result in a loss of an existing community facility will only be permitted where:-

- *alternative provision of at least equivalent value to the local community can*
- *be provided nearby, or*
- *it can be demonstrated that existing provision is inappropriate or surplus to*
- *the needs of the community and is no longer required, or*
- *it can be demonstrated there is no longer a viable community use for the facility.*

It should be noted in the pre-application advice reference was made to policy SW13, noting that the proposal would result in the loss of a community facility (a former pub) and robust evidence would be required to demonstrate that the facility is no longer required, or such a loss would not have a detrimental impact upon local service provision.

It was also advised that statements of justification could include evidence that alternative provision is available within close proximity to the proposal site which satisfies local needs. The application would be required to demonstrate that the premises have been

appropriately and actively marketed for a minimum of 6 months and that genuine effort to sell or let the property over that period have been unsuccessful. Evidence of active marketing of a property should include details of the sales literature, advertisement campaign and buyer interest over the period.

The policy officer has noted that no information has been submitted to justify its loss nor any evidence to market the property. As such a policy objection has been raised as the development fails to meet with the requirements of LDP Policy SW13.

Visual Impact

As noted above the Norton Tavern is a locally listed building and the site is within Urban Character Area 7 (Penydarren) (UAC7). The demolition of a rear section of the building would not result in the loss of any significant design features, which would be to the detriment of the character and appearance of the building or the wider public realm. Neither are there any concerns regarding this loss of the conservatory as this structure is a recent addition to the building and has no particular architectural merit.

The proposed insertion of windows and doors would not represent significant or inappropriate alterations to the detriment of the building's character and appearance. However, it is noted that whilst the form of the frames and glazing bars appear to replicate the existing sash windows, the proposed materials are uPVC. It is noted that whilst the building is Locally Listed and in UCA7 these designations do not afford the building or the area any statutory protection in the same way that as a Listed Building or a Conservation Area. On balance, the use of uPVC is disappointing but could not be justified as a reason for refusal in this instance. It is considered that the details of the windows and door frames and features should be carefully considered and a condition requiring submission of detailed sectional drawings could be used. The works to demolish the rear section of the building is likely to require the replacement of some roof tiles on the remaining building and a condition could be used to ensure that slates are salvaged from the demolition and reused on the roof.

Turning to the proposed dwellings. It is noted that since the submission of the pre-application enquiry, the design of the proposed dwellings has changed and in particular it is noted that dormer windows have been incorporated into the front roof pitches. It is noted that dormer windows are not a design feature of any building which can be seen from the application site nor on any other building in close proximity of the site. Indeed, the dominant roof scape in the area is that of traditional pitched roofs. As such the proposed dormer windows on the principal roof pitch would introduce a feature that does not maintain or enhance the character and appearance of the area. There are also some other concerns regarding the relationship between the dormer windows in the principal elevation and their relationship with fenestration below. The elevational plans show that the dormer windows comprise of 3 panes whereas the windows below comprise of 2. As the dormer windows do not sit centrally in the roof nor are centred to the windows below, there is no vertical relationship between the windows and the design is disjointed and awkward which is to the detriment of the principal elevation. To address this matter revised plans could be sought. However, no further information has been requested as the development is considered to be unacceptable for a number of reasons.

Turning to the engineering works in the wider site. As part of the pre-application advice, officers raised caution in relation to the potential for detriment on the character and

appearance of the area caused by over engineering and parking areas raised above the ground level adjacent to the site.

It is noted that the majority of the parking spaces continue to be sited at a level which is at the same level as the boundary wall at the front of the site. Therefore approximately 1.72m above the ground level of the pavement and road along the High Street and at a distance of at the most 1.44m and at the least 0.28m from this boundary. This parking arrangement would create an unattractive addition to the area caused by vehicles parking at a raised level and in close proximity to the boundary. In addition, due to the parking area being so close to the boundary and therefore the pavement along the High Street, vehicles pulling on to the raised parking area could result in the potential for pedestrians to be subject to a perception of danger as vehicles move towards them at height. Whilst it may be possible to ameliorate these potential impacts through a scheme of planting, there is little in the way of a buffer between the boundary wall and the parking area to ensure that an appropriate level of screening can be achieved. Indeed, the details of planting would need to be submitted in support of an application rather than left to a condition. As a side note additional planting may help to address some of the concerns raised in the Impact on Ecology section and the loss of biodiversity on the site which has occurred to make way for the development.

In respect of the introduction of an expanse of tarmac and a rear retaining wall there remain some concerns regarding the potential visual impact of these features. The application is supported with sections, which illustrate the changes in ground levels through the site and show that against the rear boundary of the site a retaining wall that measures approximately 2.56m high would be constructed. The sectional plans show a boundary wall, which appears to be part of the flats boundary with the site and this wall, measures approximately 0.63m high. The site plan incorporates a green area between the proposed retaining wall and the boundary shared with the flats and also refers to a close boarded timber fence with an average height of 1.8m located along the rear boundary. When viewing the site from the High Street the combined height of the rear boundary features shown on the sections would be in excess of 3m. The close boarded fence does not appear to be incorporated into the sectional plans.

There are serious concerns regarding the potential impact on the character and appearance of the area caused by a rear wall measuring more than 3m high and the impact of the proposed close boarded fence cannot be fully assessed as no elevational details have been provided. It may be that the green area between the boundary with the flats and the retaining wall can be planted with species that hang over the wall and would soften the appearance of the wall.

In summary, there are serious concerns regarding the visual impact of the rear retaining wall and insufficient information has been provided in relation to planting and the timber close boarded fence to make a full assessment of the visual impact of the proposal from the high street and therefore the application fails to meet the requirements of LDP Policies CW1 and SW11.

Impact on Ecology

As noted above the proposal would result in the demolition of part of the Norton Tavern and the loss of trees within the site. As noted above site visit photographs and street views of the site have been examined and it would appear that pre-site clearance has taken place. It is noted that up to 7 trees have been felled or effected to a degree they are

unlikely to survive the excavations around their root systems, and along the front boundary, a hedgerow comprising of mature shrubs has have been destroyed.

It should be noted that officer's pre-application advice referred to and attached the full advice of the Council's Planning Ecologist (Ecologist). In summary, the Ecologist advised that a Preliminary Ecological Survey (PEA) and a Preliminary Roost Assessment (PRA) for bats and birds were to be submitted in support of the proposal and these surveys would establish if any further surveys were required to inform the proposal in order to establish a net benefit for biodiversity.

The current planning application is not supported with any PEA or PRA. The Ecologist also referred to the requirements of Chapter 6 of PPW and submission of a proportionate Green Infrastructure Statement. Indeed, PPW states that... *"Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary."* And *"Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords."*

Given the clearance that has taken place there would be an expectation that to replace the lost ecology, the proposal would need to include planting of at least 21 trees and a shrub hedgerow within the site boundary due to there being no land in the applicant's ownership that is immediately adjacent to the site.

The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of ecology/biodiversity and to mitigate against the effects of climate change, as no enhancement is proposed and as no survey works to establish a base line has been submitted it is considered that the proposed development is contrary to national planning policy. The Dear CPO Letter of 2019 is clear that *"...where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission."*

Given the concerns raised in respect of the principle of development and visual impact, no further information has been requested to address the ecological concerns as the

development is considered to be unacceptable in principle. Accordingly, the proposed development is contrary to LDP Policies Enw1, EnW2 and EnW3 and Chapter 6 of PPW.

Residential Amenity

Impact on residential amenity of the neighbouring properties, namely the flats located to the rear of the site has been carefully assessed.

The rear elevations of the proposed dwellings would be approximately 3.55m from the boundary shared with the flats and the separation distances between the dormer windows of the proposed dwellings and the windows within flats No.s 5 to 8 would measure approximately 11.58m and in respect of flats No. 9 to 14 the separation distance would measure approximately 7.44m. The proposed dwellings' amenity areas would also be directly adjacent to these flats, although the ground level of the proposed amenity areas would be some 0.85m below that of the flats.

It should be noted that officer's pre application advice noted the location of the flats and their relationship with the proposal and advised that any future planning application should be supported with information to enable a full assessment of potential impact on the occupants of the flats.

It is noted that in respect of flats No.s 9 to 14 details of the rear windows which face the site have been provided and the plans indicate that these windows serve kitchens. No information has been provided in respect of the use of the windows within flat No.s 5 to 8 and the relationship between these flats and the proposed dwellings. However, it is also noted that the amenity areas of these flats appear to be shared and therefore there is a degree of disturbance and overlooking experienced by the residents with ground floor windows and within the garden areas.

In respect of the windows to be inserted into the Norton Tavern, due to the difference in ground levels the rear elevation of the building sits below the ground level of the flats behind. As such there would not be a significant increase in overlooking or loss of privacy experienced by the occupants of the flats within the building or in the communal amenity areas as a result of the proposal. As noted above the site plan incorporates a close boarded timber fence with an average height of 1.8m would be positioned along the rear boundary. However, the details of the fence and relationship with the rear boundary are not provided and matters relating to overbearing cannot be fully assessed.

It is noted that no representations were received following the publicity exercise.

It is considered that given the existing levels of overlooking and communal use of the gardens the proposal would not result in any significant increase in overlooking or loss of privacy than currently experienced by the occupants of the flats. The potential impact caused by a 1.8m high fence would need to be assessed, however, no amendments have been requested to address this concern as the development is considered to be unacceptable in principle.

Highway Safety and Parking

The Head of Engineering and Highways (HEH) is generally satisfied with parking provision and the size of the turning area that are proposed.

The HEH raised some minor concerns regarding the proposed footpath within the site, noting that its width 0.9m or less and therefore the width is substandard. The HEH goes on to advise that the proposed parking area would be lightly trafficked and as the area will only be used by residents and speeds would be low and as such the substandard footway should be removed in order to create a shared surface area for pedestrians and vehicles. Thus, the shared area would give priority for pedestrians and would avoid situations where pedestrians may step out on to the carriageway due to the footway's substandard in width.

In respect of cycle parking, the HEH notes that a cycle parking area has been provided for the residents of the flats and there is no requirement for cycle parking to be provided for the proposed dwellings. Some additional comments are made in respect of the direction that the door to the cycle store opens, and the design of the cycle stands.

The HEH notes that the red line which outlines land required for the proposal does not include all the land that would be required to meet the adopted public highway and therefore land outside of the applicant's control is required for the development. It is noted that the pavement that runs along the side of The Norton is an adopted pavement and the carriageway located beside the pavement is within the Council's ownership but does not form part of the adopted highway. It has been confirmed by the Head of Property and Estates that the applicant does not have any right of access over the land nor has any agreement to secure a right of access been granted. As such, the Estates Department has no option other than to object to the proposal.

In planning terms, the applicant may be able to address this matter by extending the redline boundary that defines the extent of the application site to include the land required for vehicular access into the site that links to the adopted highway. In the absence of this, a suitable means of vehicular access into the site to serve the development cannot be provided with no vehicular access to the proposed parking area and turning area. The lack of any off-street parking would give rise to increased parking along the adopted highway to the detriment of highway safety.

There is potential for the above concerns to be addressed with the submission of amended plans and an extension to application site boundary. However, based on the information submitted the development would fail to provide a suitable means of access into the site contrary to LDP Policy SW11.

Land stability

The application site falls within an area defined as being at high risk from past coal mining activities. The Coal Authority records indicate that the site is likely to have been subjected to historic unrecorded underground shallow coal mining, with voids and broken ground associated with such workings posing a potential risk of ground instability and the emission of mine gases. The site also lies within a Surface Coal Resource Zone. As such a Coal Mining Risk Assessment (prepared by Rhondda Geotechnical Services Ltd) has been submitted with the application. This identifies that that past mining activity poses a residual risk to ground stability at the site and this risk is more likely to be associated with past ironstone rather coal mining activity. Accordingly, the report goes on to recommend the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, in order to further assess the risk posed by any mine workings present. The report advises that the objective of the investigation is to prove 30m of rock cover over any potential workings, whether associated with the mining of coal or ironstone.

The Coal Authority are satisfied with the conclusions of the assessment and they have not raised any objection to the proposal subject to the imposition of conditions relating to intrusive site investigations and completion of remedial works.

Retaining Features

The development would require retaining features above 1m high over the site from the rear boundary where the pavement and parking area would be located and the proposed dwellings also require retaining features at lower ground level. Whilst the application is not supported by any calculations for retaining features, this matter could be dealt with by a condition requiring submission of engineering details for all retaining structures that are above 1m in height.

Planning Obligations

Policy SW9 of the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 consider the requirement for planning obligations and affordable housing contributions on all residential schemes. On proposed residential developments of less than 10 units or where it can be demonstrated that on-site provision for affordable housing is not possible, the Council will require a financial contribution towards the provision of affordable housing elsewhere in the corresponding growth area of the LDP.

It is noted that at the time of the pre-application enquiry, an assessment was carried out using the Three Dragons Toolkit and an affordable housing payment of £33,000 would have been sought. The assessment was based on current figures and it was advised that this figure may change when a planning application is formally submitted.

In respect of the current planning application and as the principle of development has not been addressed, the Planning Policy Officer has not carried out any further assessment in respect of requirements relating to affordable housing contributions. As the matter of affordable housing contributions can be addressed should submission of an application that meets the policy requirement of SW13 and therefore address any changes to the viability of the development using the Three Dragons Toolkit.

Other matters

Dwr Cymru/ Welsh Water has a strategic 900mm public sewer in the area as shown on the plan submitted to accompany their response. They advise that no operational development shall be carried out within 4.5 metres either side of the centreline of the public sewer, if operational development likely, the location of this asset shall be accurately located, and the applicant is advised to contact Welsh Water to discuss.

CONCLUSION

The proposed development represents development within the settlement boundaries and while the development could be justified under LDP Policy SW4, insufficient information has been submitted to justify the loss of a community facility. Further to this the application does not demonstrate that the proposal has no unacceptable adverse impact upon other matters relating to ecology/biodiversity, character and appearance of the proposal and the street scene or residential amenity.

There are also concerns raised in respect of the design of the proposed dwellings, specifically the principal elevations which include dormer windows, arrangement of the fenestration, and the proposed retaining features and fence as viewed from the High Street. Also, in respect of the close boarded fence and potential impact on the neighbouring properties. Other matters that require attention relate to movement through the site and the arrangement between the vehicular access/egress and the substandard footway. Whilst these matters may have been addressed through the submission of additional information, these have not been sought as the proposed development has not satisfied the requirements of a number of LDP Policies.

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.

Having regard to the policy context above, the proposal is considered to be unacceptable and the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following **REASONS**:

1. Insufficient information has been provided to justify the loss of a community facility, contrary to Policy SW13 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
2. Insufficient information has been provided to adequately demonstrate that the proposal would not result in an unacceptable adverse ecological impact. Nor has it been demonstrated that a net benefit would be provided in respect of biodiversity. The development is therefore contrary to Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Development Plan and Planning Policy Wales Edition 12.
3. The proposed vehicular parking area, rear retaining features and close boarded fence for reasons of its scale and prominence would result in a visually incongruous feature within the street scene that is detrimental to the character and appearance of the surrounding area, contrary to Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
4. Insufficient information has been provided to adequately assess and demonstrate that the proposed close boarded fence to be erected at the rear of the site would not result in an overbearing feature that is detrimental to the residential amenities of nearby properties, contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
5. The dormer windows proposed to be sited in the principal elevation of the proposed dwellings would introduce a visually incongruous feature within the street scene that is detrimental to the character and appearance of the surrounding area, contrary to Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. The development fails to provide a suitable means of vehicular access that links to the adopted highway, resulting in a poor form of development with the lack of off-street parking to the detriment of highway safety, contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05.02.2025