

DELEGATED REPORT

Application No:	P/23/0079
Site Address:	Standard Upholstery Pontmorlais West Merthyr Tydfil CF47 8UT
Development:	Change of use to from upholstery building to holiday accommodation to include new replacement windows and the installation of solar panels.
Case Officer:	Marlene Ferreira
Site Visit:	20th April 2023
Application Expiry Date:	11th December 2023
Consultation reply date expired:	6th November 2023

APPLICATION SITE

The application site relates to a large building, known as Standard Upholstery, located in the area of Pontmorlais. The premises, which benefits from a ground floor entrance and a first floor entrance (via existing concrete steps to its side elevation), sits to the rear of properties located along Bolgoed Place. The building is accessed off a narrow private road, which slopes down steeply from Bolgoed Place (north) to the application property (south). The private road, which lies between 1 Bolgoed Place and 10-13 Pontmorlais West, also provides access to the rear of other properties, including 1, 2 Bolgoed Place and 10-13 Pontmorlais West. The building was previously used as an upholstery shop, however, it is no longer a trading business and has been vacant since October 2020.

The building, finished with render, stonework and brickwork elevations, is largely detached, but its rear western elevation adjoins a small section of the side elevation of the rear projection forming part of 10-13 Pontmorlais West. Its side elevation fronts the Nant Morlais River, located to the south and an outbuilding adjoins the building to this southern elevation. Its eastern front elevation abuts the private road and its northern side elevation adjoins neighbouring land (which accommodates the concrete steps).

The area surrounding the site is mainly made up of traditional terraced properties along Bolgoed Place and Pontmorlais High Street, all of which appear to be under commercial use and consist of numerous types of businesses including hairdressers, beauty salon, flooring shop, restaurants, tattoo parlour and takeaways.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the three storey premises from an upholstery business (B1/B2 use class) into holiday accommodation (C6 use class), to include the addition of new windows, a new roof, new elevational finishes and the introduction of solar panels.

The premises would comprise a total of 6 bedrooms. At ground floor the premises would be split into two separate areas, an office with store, and a storage area with hallway access and steps to the first floor. At first floor the premises would be served by three en-suite bedrooms (2 comprising a double bed and 1 comprising a king size and a single bed), a storage closet, hallway and steps to the second floor. At second floor the premises would be served by three en-suite bedrooms (2 comprising a double bed and 1 comprising a double bed and a single bed) and a storage closet.

The rooms would be rented out via air b'n'b. The ground floor area would be split as noted above. The office with store would be used by the applicant in association with the management and maintenance of the business, i.e. storage of bedding, towels, toiletries, etc and any other items required in association with the operation of the business. The remaining storage area at ground floor would be used by visiting guests for the storage of personal items, such as bikes, footwear, and any other personal equipment/items, etc. All rooms would all be accessed via the ground floor entrance as the existing stepped access to the rear would be blocked up. The existing outbuilding, adjoining the southern elevation of the property would be removed and a garden/seating area would be created.

Externally, the works would include the replacement of existing windows with new timber windows, the installation of new replacement access doors, the application of a new render finish to the front and side elevations, the repointing of stonework on the rear elevation, the installation of a new artificial slate roof and the provision of integrated solar panels (manufactured by Infinity).

PLANNING HISTORY

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

CONSULTATION

Head of Engineering and Highways

Objection raised '*...The proposed development would result in the intensification of use of the existing sub-standard access and increased traffic hazards to the detriment of highway safety and the free flow of traffic.*

The internal site layout lacks sufficient parking and turning provision resulting in the creation of traffic hazards to the detriment of highway safety and the free flow of traffic.

The proposed development lacks sufficient off-street parking provision resulting in on-street parking demand to the detriment of highway safety and the free flow of traffic...

Policy Officer

No objection.

Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.
Natural Resources Wales	No objection.
Welsh Water	No objection, subject to conditions.

Ward members were notified of the objection received from the Head of Engineering and Highways but have not requested that the application be reported to Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Director of Neighbourhood Services.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, adjoining properties were consulted and a site notice was displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and 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...’*

Paragraph 3.9 refers to character and 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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design*

principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...

Paragraph 3.14 refers to context appraisal and states that these *'...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

Paragraph 6.1.6 refers to conservation areas and states that the *'...Welsh Government's specific objectives for the historic environment seek to...preserve or enhance the character or appearance of conservation areas, whilst the same time helping them vibrant and prosperous...'*

Paragraph 6.1.14 goes on to state that *'...there should be a general presumption in favour of the preservation or enhancement of the character and appearance of conservation areas or their settings. Positive management of conservation is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised...'*

Paragraph 6.4.3 discusses biodiversity and states that *'...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 6.6.22 advises on flooding and explains that *'... the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals...'*

- TAN's (Technical Advice Notes)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'*

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that *'...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...'* Section 4.3 of TAN12 points out *'...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...'*

TAN 13 – Tourism (1997)

This TAN discusses tourism and states that *'...tourism makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas...'*

TAN 15 – Development, Flooding and Coastal Erosion (2021)

This TAN provides guidance that supplements those set out in PPW policies in respect of flooding. It provides a framework within which the flood risks arising from rivers, the sea and surface water, as well as the risk of coastal erosion can be assessed. It goes on to advise on the consequences of the risks and adapting to and living with flood risk.

TAN 24 – The Historic Environment (2017)

This TAN refers to conservation principles and *'... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...'*

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 - Settlement Boundaries

Policy SW11 - Sustainable Design and Placemaking

Policy CW1 – Historic Environment

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

Policy EcW3 - Retail Hierarchy- Supporting Retail Provision

Policy EcW5 - Town and Local Centre Development

Policy EcW7 - Tourism, Leisure and Recreation Development

LDP Policy EcW8 - Renewable Energy

- Supplementary Planning Guidance (SPG):

SPG4 – Sustainable Design, July 2013

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and whether it would be an appropriate development in respect of its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of development is considered acceptable and is generally supported by LDP Policy SW4, provided the proposal is compatible with other relevant policies and material planning considerations.

The site also lies within the Merthyr Tydfil Town Centre and given its proposed use, seeks to provide a tourism related development. As such LDP Policies EcW3, EcW5 and EcW7 are therefore relevant policy considerations. LDP Policy EcW3 discusses retail hierarchy and states that *'...Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by the local centres of Dowlais, Gurnos, Cefn Coed and Brecon Road/Morgantown, Troedyrhiw, Aberfan, Treharris and a new local centre forming part of the 'Hoover Strategic Regeneration Area'. Proposals for new and enhanced retail, leisure and other complementary provision in all these centres will be permitted where they improve the vitality and viability of the centre(s) concerned...'*

LDP Policy EcW5 refers to town and local centre development and states that *'...development enhancing the vitality and viability of the town and local centres will be supported...'*

LDP Policy EcW7 refers to tourism uses and states that *'...tourism, leisure and recreational development within settlement boundaries is generally supported, particularly where they aid the revitalisation and regeneration of the Town and Local Centres...'*

The existing building, as previously noted, formerly traded as an upholstery business and has remained unoccupied for a period of over 4 years. Its proposed use as holiday accommodation would amount to a complementary use in the Town Centre, which would bring the vacant building back into use and would therefore be welcomed. It would also serve to enhance the vitality and viability of the town centre. Whilst it is recognised that the nature of the proposed use would result in an inactive frontage to a building which was formerly under commercial use, it should be noted that the premises, given its siting to the rear of properties along Bolgoed Place, would not be visible within the Bolgoed Place or Pontmorlais commercial streetscenes, and as such, would not have any negative impact on these existing shopping environments. Indeed, its re-use as holiday accommodation would be far more beneficial as opposed to the building continuously remaining vacant leading to a derelict building in the long-term. In this instance, the proposed development would therefore be acceptable and accord with LDP Policies EcW3, EcW5 and EcW7.

The southern edge of the application site also lies within Zone C2 of the Development Advice Map (DAM). In the Flood Map for Planning, which represents the most up to date information on flood risk, it identifies this site as being at risk of flooding since the proposed holiday accommodation would lie within Flood Zones 2 and 3 (Rivers). Thus, without further information as to how flood risk could be managed, Natural Resources

Wales (NRW) initially raised concerns with the proposal and requested that further information be submitted in respect of flood risk.

Following NRW's response and in order to overcome the concerns raised, a Flood Consequence Assessment (FCA) was requested from the agent and was received on 15th May 2023. This information was forwarded to NRW for consideration and NRW continued to have concerns with the application proposal as insufficient information had been submitted in respect of flood risk, as discussed:

'...We note that the application is for the refurbishment of the existing buildings with offices on the ground floor, and the conversion to residential accommodation above them. We also note that the development proposes to use areas of the ground floor for storage in association with the residential accommodation above. Section 5.2 of TAN15 outlines that the vulnerability attributed to a mixed use proposal will be defined by the most vulnerable use. We have therefore assessed the application as a whole...We have reviewed the FCA...and our advice is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15...'

Their response goes on to explain that *'...the FCA submitted confirms that the application that the application site is predicted to flood during the 1% (1 in 100 year) annual probability fluvial flood event. However, the FCA does not provide any predicted flood depths for current day, or an assessment for the 1% (1 in 100 year) plus climate change allowance (CCA) annual probability fluvial flood event in line with A1.14 of TAN 15. The FCA also notes that the site is predicted to flood during the 0.1% (1 in 1000 year) annual probability fluvial flood event, but no further assessment of the criteria as contained in A1.15 of TAN15 has been provided. As such, we are unable to provide you with a technical assessment of TAN15. We note that on the basis that the proposal is solely for the change of use of an existing building it is accepted that there will be no effect on flooding elsewhere...'*

NRW's response concludes that *'...if you agree that the ground floor of the building is highly vulnerable development, we recommend that an updated FCA is submitted...'* as *'...we consider that the FCA has not demonstrated the proposal is acceptable with regards to flood risk and in line with TAN 15 criteria...'*

However, NRW provide further advice in their response and confirm the following *'...we appreciate the nature of the proposal; the ground floor proposed as an office and storage and only the first and second floors directly proposed for accommodation/residential uses. Therefore, if it is deemed that the ground floor of the application site will be less vulnerable development and that the ground floor use is appropriately restricted (i.e. not used for overnight accommodation) and all accommodation is restricted to the first floor and above, we would have no objection to the development on flood risks grounds. Therefore, an alternative to providing an updated FCA, you may wish to confirm that the ground floor would comprise less vulnerable development and restrict all highly vulnerable development to the upper floors of the building...'*

The agent was therefore contacted and further information was requested regarding the use of the building. As indicated in the plans submitted, and confirmed in the numerous emails from the agent, the ground floor area of the building would not be used as bedrooms, but instead, as storage areas for visitors to keep personal equipment/items, such as bikes, dirty wellies, etc, whilst the remaining half of the ground floor would be used as an office and storage area for the applicant/developer. As such, whilst it is noted that

NRW have confirmed that the FCA does not demonstrate that the consequences of flooding could be adequately managed, NRW have also confirmed that they would not raise an objection to the application on the basis that the ground floors were not used for holiday accommodation. Thus, an appropriately worded condition could be added to any planning permission granted to ensure that holiday accommodation is restricted to 1st and 2nd floors only.

It is also acknowledged that the above information received from NRW relates to their earlier responses, dated 20th April 2023, and subsequent responses, dated 13th June 2023 and 30th June 2023. A more recent and up to date response from NRW was received on 22nd August 2024. This latest response has revealed that the flood zone within which the site is located has changed since the application was originally submitted. Their comments specifically state *'...The planning application proposes highly vulnerable development (residential). The application site falls partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be in Flood Zone 1, meaning there is less than a 0.1% chance of flooding in a given year. On this basis, we have no objection to the application as submitted...'*

As a result, it is noted that the proposed development continues to propose highly vulnerable development in a C2 Flood Zone and it is recognised that an adequate FCA has not been submitted with the application. However, it is also recognised that the proposed plans confirm that the ground floor of the building does not seek to provide any sleeping accommodation and further correspondence with NRW has revealed that the site is now located within a Flood Zone 1, in the flood map for planning, as opposed to a flood zones 2 and 3 as noted in NRW's earlier responses. Thus, the risk of flooding to the building is significantly lower. As such, in this instance, NRW have not raised any objections and the proposal would result in an acceptable form of development in this location. It would therefore accord with LDP Policy EnW4.

Character and Appearance

The proposed development and associated works largely relate to internal alterations. However, some alternations are also proposed to the outside of the building, and these works would include the replacement of existing windows and doors, the application of a new render finish to the front and side elevations, the repointing of stonework on the rear elevation, the installation of a new artificial slate roof and the provision of integrated solar panels.

These works would serve to revive and significantly improve the appearance of the building, which has been left vacant and unmaintained for some time. Indeed, the replacement of existing windows with new timber windows would be welcomed. Likewise, new replacement doors would also be beneficial to the appearance of the building, however, the plans have not specified their material finishes and as such a suitably worded condition would be added to ensure that the material finishes of the proposed new doors are acceptable. Similarly, the replacement of the existing roof is also encouraged, however, the use of artificial slate would not be fitting in this context and would not serve to preserve or enhance the character and appearance of the conservation area. As such, a suitably worded condition would be added to ensure that natural slate tiles would be the appropriate replacement in this instance. In respect of the elevational finishes, mainly the application of a new render finish to the front and side elevations as well as the repointing

of the stonework on the rear elevation, these are also deemed essential works required to ensure the longevity of the building and are therefore supported.

In terms of the proposed introduction of solar panels, it is noted that these works seek to provide a more energy efficient building, however they would amount to a visible alteration on the front and rear roof slopes of the building and their appearance is therefore paramount to ensure that the development does not harm the appearance of the existing premises. In this instance, as previously noted, the building is located to the rear of properties along Bolgoed Place and Pontmorlais High Street. As such, whilst parts of the building would still be visible from the open space/park at the top of Pontmorlais, the building would appear significantly less prominent than other surrounding buildings. In addition, the solar panels, would appear to be set into the roof of the building, and as such, as indicated in the section details submitted, would not project above the existing roof line. Thus, provided the colour of the solar panels matched the colour of the slates, the proposed inclusion of solar panels would amount to a discrete alteration to the building which would appear almost unnoticeable to passers-by.

The proposed change of use and associated works, subject to the addition of suitably worded conditions, would therefore result in an acceptable form of development which would not be considered to significantly harm the appearance of the property, nor would it adversely affect the character of the existing street scene or the wider conservation area. As such, it would accord with LDP Policies CW1 and SW11.

Residential Amenity

The proposed development has been considered in respect of its impact upon residential amenity. It should be noted that the use of the building as holiday accommodation, which would undoubtedly give rise to noise and disturbance due to the comings and goings of visitors and/or any activities they engage in during their visit, could only accommodate a total of 6 guests at any one time. Thus, any noise or disturbance arising from the use of the premises by guests would not be deemed significantly more harmful to the amenities of nearby residents than its former use as an upholstery shop (B1/B2 use class). It should also be noted that the responsibility for dealing with issues such as anti-social behaviour and/or significant disturbances is shared between different agencies, which include the Police, local authorities (e.g. Public Health and Protection) and landlords.

In terms of overlooking and loss of privacy, the premises is not proposed to undergo any new extensions nor does it seek to incorporate any new windows, and as such, the extent of overlooking would be very similar to that which is currently achieved from the existing building.

The proposed development would therefore be considered acceptable in this instance and would accord with LDP Policies SW11 and EnW4. Indeed, no letters of representation have been received in respect of this proposal.

Ecology

Given the nature of the proposed works the Council's Ecologist requested that a Preliminary Roost Assessment (PRA) be submitted in support of the application. An acceptable PRA report was received on 16th October 2023 and concluded that the building has high to moderate suitability for roosting bats. As such, the report recommended that

additional survey work be carried out. The Council's Ecologist reviewed the report and agreed with its findings and additional survey work was therefore requested.

An acceptable bat survey report was received on the 11th December 2024. The report recommended mitigation/enhancement works, such as replacement roosting opportunities by leaving gaps behind soffits, fascias and bargeboards, the erection of bat and bird boxes, the erection of a night roost, etc. The Council's Ecologist reviewed the report and did not raise any concerns with the recommendations set out provided that the development be carried out in accordance with the relevant reports. As such, a suitably worded condition will be added to any planning permission granted.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, it is noted that the application was received on the 23rd March 2023, prior to edition 12 of PPW coming into force. Thus, given the time which has passed since the application was submitted, the request for the submission of a GIS at a significantly later date would be deemed unreasonable. Notwithstanding this, ecological enhancements, as noted above, have been proposed and would undoubtedly contribute to the wider green infrastructure objectives. The proposed development would therefore be considered acceptable and would accord with LDP Policy EnW1.

Parking Provision and Highway safety

The proposed holiday accommodation, like the former upholstery business, would be served, as explained earlier, by the existing narrow steeply sloping access road, located off Bolgoed Place. The private access road is located between the two terraces on the southern side of Bolgoed Place and as result, given its location and width, visibility is limited when leaving the application site. In addition, the premises does not benefit from any on-site parking and the proposed holiday units would therefore not be served by any parking facilities.

The Head of Engineering and Highways has considered the proposal and provided the following comments *'...the proposal is currently served via a narrow private access off the A4102 Pontmorlais West that measures only circa 3.2m wide. As such, it can only accommodate single file traffic movements, and vehicular reversing manoeuvres would be required should 2 vehicles meet on the access. The access is between 2 existing buildings so there is no scope to improve the access as part of the proposed development. Furthermore...the available vision splays fall substantially below the requirement of at this junction of 2.4m x 43m and result in traffic hazards to the detriment of highway safety and the free flow of traffic. The proposed use as holiday accommodation is envisaged to intensify the use of the existing access, particularly by those who are unfamiliar with the sub-standard traffic conditions, to the further detriment of highway safety and the free flow traffic, which is considered unacceptable and attracts highway objection accordingly...'*

The Head of Engineering and Highways also discusses the lack of on-site parking and turning area and states that *'...the submitted site layout plan does not indicate any off-street parking provision for use by the proposed development. As such, the proposal is considered to result in the creation of on-street parking demand to the detriment of highway safety and the free flow of traffic...'* In the event that vehicles do enter the private road, *'...the lack of a turning area in particular would result in vehicular reversing manoeuvres onto the public highway to the detriment of highway safety and the free flow*

of traffic. As such, the internal site layout is considered unacceptable and attracts highway objection accordingly...'

Whilst the comments of the Head of Engineering and Highways have been considered, it should be acknowledged that the existing building is a vacant business unit, formerly used as an upholstery store, under B1/B2 use class. Thus, whilst the concerns and objections raised by the Head of Engineering and Highways are valid, it should be noted that the existing premises could re-open at any time and operate as an upholsters shop or any other business under B1/B2 use class without the need for planning permission. The operation of a business use of this nature, or under a B1/B2 use class, would undoubtedly involve numerous customers and staff visiting the premises on a daily basis. It would also involve multiple deliveries to the business on a weekly basis. Thus, essentially, the use of the premises in association with an upholstery business or any other B1/B2 use business would be considered to have a more harmful impact upon highway and pedestrian safety than the proposed holiday lets. In addition, although it is recognised that the proposed units would not be served by any on-site parking and would increase the demand for on-street parking, the current premises lies within a sustainable location given its town centre position. Furthermore, it lies within a very short walking distance of a public car park which visitors could use and then walk over to the units. As such, having taken account of the history of the site and the permitted uses, it is not considered that the concerns and objections raised by the Head of Engineering and Highways would warrant the refusal of the application. Thus, the proposed development is therefore considered acceptable in this instance and would accord with LDP Policy SW11.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant LDP policies.

Finally, 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:

- 686.01A Floor Plan, received: 10th December 2024;
- 686.02A Floor Plan & Elevations, received: 10th December 2024;
- 686.03A Elevations, received: 10th December 2024;

- 686.05A Section, received: 10th December 2024;
- Bat Survey by Little Wing Ecology, received: 11th December 2024;
- Preliminary Roost Assessment by Little Wing Ecology, received: 16th October 2024.

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

3. **Prior to the commencement of development** samples/details of the material finishes shall be submitted to and approved in writing by the Local Planning Authority for the following:

- windows;
- doors;
- natural slate roof tiles (including ridge tiles);
- rainwater goods;
- render finish.

The 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 conservation area in the interests of visual amenity and to accord with Policies SW11 and CW1 of The Merthyr Tydfil Replacement Local Development Plan.

4. Notwithstanding the submitted plans, **no development shall commence** until a methodology statement for the repair/repointing of the stonework has been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason - In the interest of visual amenity in accordance with Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

5. **Prior to the commencement of development**, a plan to scale, indicating the positions, dimensions, design and type of solar panels, to be erected, to include manufacturer name, product name, and product colour, shall be submitted to and approved by the local planning authority. The solar panels shall be completed in accordance with the approved details prior to the beneficial use of the building.

Reason - To protect the character and appearance of the conservation area and ensure that the new development will be visually attractive in accordance with Policies SW11 and CW1 of the Merthyr Tydfil County Replacement Local Development Plan.

6. **No external lighting shall be installed on the building**, until a detailed lighting scheme has first been submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate dark zones at the boundaries and across the site, dark corridors for bat foraging/commuting with access points to bat boxes to remain unilluminated. The lighting scheme must conform to the latest guidance for wildlife-friendly lighting. Guidance Note GN08/23 Bats and Artificial Lighting At Night. Bat Conservation Trust and The Institute of Lighting Professionals 2023 - <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting>. 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 Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

7. **Prior to the commencement of development**, a plan to scale, indicating the position, dimensions, design and type of night roost, to be erected/constructed, shall be submitted to and approved by the local planning authority. The night roost shall be completed in accordance with the approved details prior to the beneficial use of the building.

Reason - To protect the natural environment and important habitat in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

8. Prior to the beneficial use of the holiday accommodation hereby approved, the enhancement measures proposed, as stipulated in the recommendations set out in the Preliminary Roost Assessment (received 16th October 2024) and Bat Survey (received 11th December 2024), shall be implemented and shall be retained thereafter in perpetuity.

Reason - To protect the natural environment and important habitat in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

9. No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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.

2. 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.

3. Due to the proximity of the site to the Nant Morlais, all works at the site must be carried out in accordance with Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites, which are available on the NetRegs website. For further information/guidance, please contact NRW, e-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk and/or phone number: 0300 065 3000.
4. During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further information/guidance, please contact NRW, e-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk and/or phone number: 0300 065 3000.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 27.01.2025