

DELEGATED REPORT

Application No:	P/23/0099
Site Address:	Former Citizens Advice Bureau 24 Lower Thomas Street Merthyr Tydfil CF47 0BY
Development:	Variation of condition 2 of planning permission P/18/0403 to increase the height of the building as constructed and other alterations
Case Officer:	Marlene Ferreira
Site Visit:	27th April 2023
Application Expiry Date:	12th June 2023
Consultation reply date expired:	7th August 2023

APPLICATION SITE

The application site relates to the former Citizens Advice Bureau (CAB), a former adjoining garage (that abutted the rear boundary of 23 Lower Thomas Street), and 24 and 25 Lower Thomas Street, all of which were closely clustered together and accessed from a rear courtyard area off Lower Thomas Street, near the town centre in Merthyr Tydfil.

The former CAB building, a single storey structure (attached to the rear extension at 25 Lower Thomas Street) mainly accessed off Tramroadside, comprising of rendered elevations and a slate roof, has been demolished. Similarly, the former detached garage, accessed by means of a vehicular access between 23 and 24 Lower Thomas Street (which is also a right of access for the residents of 23 Lower Thomas Street), comprising rendered elevations and corrugated roof sheeting, has also been demolished. The site is under construction and currently comprises a large two-storey detached building which seeks to provide 5 affordable housing flats. These works were approved on the 18th February 2019, under planning permission P/18/0403. A new 2 metre high brick wall has also been constructed on the boundary of 23 Lower Thomas Street. Works have been ongoing at the site for some time, given delays caused during covid, errors in the survey work previously carried out, as well as other on-site issues encountered following the commencement of works. Thus, whilst the development has been substantially built, it is yet to be completed.

The ground floor of properties at 24 and 25 Lower Thomas Street were formerly used as offices in association with the CAB. The conversion of these offices into two, one bedroom flats was also included in planning permission P/18/0403 and these works are also ongoing at this time.

PROPOSED DEVELOPMENT

This application seeks to vary condition 2 of planning permission P/18/0403 which states:

2. The development shall be carried out in accordance with the following approved plans and documents:

- Drawing A100, Revision C, received 15th February 2019;
- Drawing A101, Revision C, received 15th February 2019;
- Drawing A102, Revision F, received 15th February 2019;
- Drawing A103, Revision C, received 15th February 2019;
- Drawing A104, Revision C, received 15th February 2019;
- Drawing A105, Revision C, received 15th February 2019;
- Drawing A107, Revision C, received 15th February 2019;
- Drawing A108, Revision D, received 15th February 2019;
- Drawing A109, Revision C, received 15th February 2019;
- Drawing A110, Revision D, received 15th February 2019;
- Drawing A111, Revision D, received 15th February 2019;
- Drawing A112, Revision D, received 15th February 2019;
- Drawing A113, Revision C, received 15th February 2019;
- Drawing A114, Revision C, received 15th February 2019;
- Drawing A115, Revision C, received 15th February 2019;
- Bat and Nesting Bird Survey Report by Acer Ecology, received: 23rd July 2019.

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

This application was submitted following an investigation carried out by the Council's Enforcement Section. As referred to above, the work at the site is currently on-going and is yet to be completed. However, following a site visit by the Enforcement Officer, it was noted that the height of the flat roof rear projection has increased from that originally approved. Other alterations were also noted at this time. Whilst some alterations relate to internal changes, the external changes, which have been noted below, require planning permission and are therefore subject to assessment under this application:

- Increase height of the two-storey building: The original two-storey building was proposed to have a 7.1 metre ridge height. Given the increase in the slab height of the building to ensure it ties with the DPC level of the adjoining footpath (off Tramroadside), and due to the updated survey on ground levels, which shows that the ground level was not level across the frontage of the entire building, the building is now proposed to have a minimum height of 7.3 metres and a maximum height of 7.8 metres. These works have been largely completed.

- The building has been repositioned on the plot: Following updated survey work in respect of the site and the neighbouring boundaries, and to allow for the structural pile support for the building and the erection of a new boundary wall, the two-storey development appears to have been repositioned on the site and the boundaries either side have been altered. Previously the proposal was shown to be 0.7 metres away, at its closest point, from the boundary with the neighbouring property 23 Lower Thomas Street. It is now proposed to be immediately adjacent to the new brick boundary wall at the front of the site, off Tramroadside. It was also previously shown to be 2.2 metres away, at its closest point, from the neighbouring building at the former Adulum Chapel site to the north, and is now

shown to be 1.7 metres from this neighbouring building. These works have been largely completed.

- Ground level changes at the rear of the site (courtyard) and alterations to neighbouring boundary position at 23 Lower Thomas Street: The section/boundary detail plans submitted with the original application, P/18/0403 showed that the neighbours garden levels reflected those of the application site and this was not the case. Further survey work at the site revealed that the ground level at the rear courtyard is approximately 600mm lower and that the garden levels of the adjacent property, 23 Lower Thomas Street, is below that again, since it steps down from the eastern part of the garden, to the western part of the garden. The boundary position of the side garden wall of 23 Lower Thomas Street was also clarified by reviewing the land registry title information and discussions through the party wall process. The new 2 metre high brick wall has therefore been constructed in the correct place, in agreement with the neighbouring residents at 23 Lower Thomas Street, and have now been shown correctly under this application. These works have been largely completed.

- Alterations to the roof design and height of the rear single storey roof projection: Following further survey work carried out, as previously noted, the correct ground levels at the rear of the site were revealed, and as such, the rear projection, which previously had a maximum flat roof height of 2.7 metres is now proposed to comprise a sloping roof design, where it lies adjacent to 23 Lower Thomas Street, with a maximum eaves height of 2.85 metres and a maximum ridge height of 3.95 metres. These works are ongoing;

- Alterations to the roof design of the two-storey projection at 25 Lower Thomas Street: This was originally proposed to remain a flat roof extension as part of the change of use works. The flat roof however has been altered to a pitched roof. As such, the height of the two storey projection which was previously measuring 5.8 metres, is now proposed to have a 6.9 metre ridge height. These works have been largely completely;

- Demolish and rebuild the rear single storey projection at 25 Lower Thomas Street: This part of the premises was to be converted into a single flat and no demolition works were proposed in association with the change of use. However, a culvert was discovered beneath the site and due to concerns over the structural stability of the projection, it was demolished and rebuilt relatively to the same scale as the former annex, however, it is now proposed to adjoin the existing 2 storey rear projection at 25 Lower Thomas Street. This would provide a very small amount of additional internal floor space to serve the proposed flat. The positioning of the windows are similar, however the south facing side window has been omitted and a new rear west facing window has been introduced. These works have been largely completed;

PLANNING HISTORY

The following planning history is relevant to the application site:

P/21/0379 - Discharge of condition 8 (site investigation) of planning permission P/18/0403 for the demolition of Citizens Advice Bureau buildings and construct 5 flats and change of use of ground floor of 24 and 25 Lower Thomas Street from offices to flats – Approved: 22nd November 2021

P/20/0051 - Discharge conditions 4 (materials), 5 (foul and surface water), and 7 (boundary treatments) of planning permission P/18/0403 – Approved: 4th May 2020

P/20/0019 – Non-material amendment to splay external wall at flat 5 (rear courtyard) to accommodate existing right of access to 23 Lower Thomas Street – Approved: 12th February 2020

P/18/0403 - Demolish Citizens Advice Bureau buildings (including garage) and construct a two storey development of 5 flats with associated engineering works, and change of use of ground floor of 24 and 25 Lower Thomas Street from offices (B1) to flats (C3) – Approved: 18th February 2019

P/15/0322 - Change of use of ground floor flat to offices for Citizen's Advice Bureau – Approved: 19th November 2015

CONSULTATION

Engineering and Highways Manager	No objection.
Town Planning Division's Policy and Implementation Officer	No response.
Town Planning Division's Ecologist	No objection.
Environmental Health Manager	No objection, subject to conditions.
Welsh Water/Dwr Cymru	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, nearby properties were consulted and two site notices were displayed in the immediate vicinity. A total of 3 letters of representation have been received from the same neighbouring resident which, in summary, raise the following concerns:

Objections received in respect of the plans originally submitted with this application:

- Overlooking and loss of privacy

'...The new proposed height will significantly overlook and overshadow the entirety of my garden, my kitchen and the back of my property. The kitchen and the garden are core areas of my property and these will be completely overlooked and overshadowed by the building. The new location of the window on the rear elevation of the rear projection will be higher than my boundary wall and thus my kitchen will be completely overlooked and I will have no privacy in my kitchen...'

- Loss of light

'...If planning permission is granted to allow the building to be increased in height, this will mean that the whole of the rear of my garden and the rear of the property will suffer a substantial reduction of natural light...'

- Loss of amenity

'...Due to the size of what is being proposed, it will mean that I will not be able to utilise my garden, as it will be overlooked, in addition to noise and smells emanating from the building next door...'

- Amended height – Overbearing

'...The new height would be overbearing in comparison with my property and the surrounding properties. On the original architect's plan, the height of the side elevation of the rear projection, above my boundary wall was to be 0.70m. This height has been substantially increased, by at least an extra 1.25m...'

- Appearance and materials used

'...The face of the wall directly next to my property is currently bare blockwork, and is unsightly and not in keeping with the surroundings. I do not consider that this can be addressed without access to my property. This causes me grave concerns as Merthyr Tydfil Housing Association has not approached me or my Party Wall surveyor about this...'

Objections received in respect of the amended plans submitted with this application:

- Working times on the site continue to be outside those specified by the planning permission. Works on the site have been undertaken on a Sunday and early morning starts, i.e. 7am, have also occurred regularly.

- *'...We continue to have concerns about the elevated position of the window on this building, which is now situated above the level of the boundary wall and faces the bedroom window of my mother's house. On the original plan this window was positioned much lower down and was less obtrusive. There is a clear privacy issue here. The position of the window is intrusive and does not respect my mother's right to privacy in her own home...'*

- *'...There has been no adjustment to the main body of the building, which is significantly higher than shown on the original plans and is overbearing my mother's property...'*

- *'...My mother is 92 and housebound and the garden is very important to her yet her use and enjoyment of this outside area has been affected during the excessively long period of construction. Limited access to the garden via the right of way over the past three years has meant that gardeners were unable to visit during this time to carry out work...'*

- *'...The architect's drawings appear to show a low gate at the Lower Thomas Street entrance to the right of way. There do not seem to be any details of what the contractors propose to erect here but we would expect a strong and secure gate similar in height to the present gate and for my mother to have a key to this gate...'*

Ward Councillors were consulted on the objections received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined under delegated powers by the Director of Neighbourhood Services.

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 11 (February 2021)

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 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...’*

Paragraph 4.2.17 goes on to state that *‘...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...’*

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...’*

Local Planning Policies

- Technical Advice Notes (TANs)

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 24: The Historic Environment (2017)

Section 1.14 of TAN 24 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

- Merthyr Tydfil Local Development Plan 2006-2021

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 - Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG1 - Affordable Housing, March 2012

SPG2 – Planning Obligations, March 2012

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

- Other Guidance:

- Thomastown Conservation Area – Character Appraisal and Management Plan (July, 2014)

This document seeks to assess and analyse the current condition of the character of the Conservation Area, consider boundary changes and determine specific policies or projects to assist in its protection and enhancement. The application site lies within an area which is dominated by Georgian-style terraced dwelling houses. It is likely that most of these dwellings were built in the early Victorian period but are characterised as having a 'Georgian' style designs.

PLANNING CONSIDERATIONS

It is important to note that there is a previous permission for a similar development on this site, P/18/0403, and the majority of the alteration works proposed under this current application have already been carried out, as previously explained. As such, the issues to consider under the assessment of this application relates to whether the variation of condition 2 of P/18/0403 to allow for the alterations as described earlier in the report, would be acceptable in respect of their impact upon the character and appearance of the area, residential amenity and ecology. In terms of parking provision and highway safety, the proposal would continue to be served by on-street parking only and would provide the same number of flats as that originally approved under P/18/0403. As such, there would be no additional or adverse impact upon highway or pedestrian safety as a result of this amended proposal.

Character and appearance

The overall building is now proposed to be higher than that originally approved under planning permission P/18/0403 and its siting on the plot has also varied. Given the prominence of the building from Tramroadside, these alterations are clearly visible. However, as noted above, additional survey work revealed that the ground levels and boundaries were incorrectly noted under the original application, P/18/0403. Furthermore, there was a need to provide a level threshold at the front of the premises and make room for structural support works and a new boundary wall, which has evidently resulted in an increase to the height and an alteration to the positioning of the building. The additional height increase of 0.7 metres and the slight change to the orientation of the building however, is not significant and would not be considered to have a significantly different impact upon the character and appearance of the street scene. It is noted that the proposed building is now sited closer to the boundary with Adulum flats to the north and would be located immediately adjacent to the boundary of 23 Lower Thomas Street, to the south. However, when compared to the originally approved scheme, these alterations are not significantly different from that approved and as such, these alterations would not

result in any greater impact upon the street scene, particularly since, the building's design and material finishes would remain as originally approved. Indeed, the development would continue to be viewed in relation to Adulum flats, a large three storey building. These alterations would therefore not detract from the character or appearance of the existing street scene or that of the Thomastown Conservation Area and would comply with LDP Policies SW4 and CW1.

In respect of the alterations to the ground levels at the rear of the site, the location of the boundary wall of 23 Lower Thomas Street, the roof design and height of the rear projection at the back of the main building, the changes to the roof of the rear two storey projection at 25 Lower Thomas Street and the demolition and rebuild of the single storey projection also at the rear of 25 Lower Thomas Street, it is considered that the impact of these alterations on the street scene are negligible. Whilst some of these alterations amount to substantial changes and others result in improvements to the appearance of a building, it should be noted that these buildings and boundary wall, like the development which previously existed on this site comprising of the former CAB building and garage, are clustered together at the rear of an enclosed courtyard area. Thus, these alterations cannot be seen from the front highway (Tramroadside) or the rear highway (Lower Thomas Street) since the rear of the site is enclosed by a high wooden gate. It is therefore considered that these alterations would not have any impact upon the character and appearance of the street scene and as such would not detract from the character and appearance of the Thomastown conservation area. As such, these alterations are considered acceptable and would comply with LDP Policies SW4 and CW1.

Residential Amenity

The impact of these alterations have been carefully considered on the nearest neighbouring properties, in particular 23 Lower Thomas Street, who has a very close relationship to the application site. The changes to the roof design of the two storey element at 25 Lower Thomas Street and the rebuild of the rear single storey projection also at the rear of 25 Lower Thomas Street, given the relationship with the nearest neighbouring dwellings, does not have any more impact upon these nearby occupiers. However, the changes in the ground levels of the site, the positioning of the building and the increase in the height of the overall development and its rear projection, does have an impact on the nearest neighbouring occupiers and has been carefully considered.

As described earlier in the report, the overall building, which was previously approved under planning permission P/18/0403, to be 0.7 metres away from the dividing boundary with 23 Lower Thomas Street, is now immediately adjoining the new boundary wall of 23 Lower Thomas Street and is 0.7 metres higher than that originally approved. Whilst these are notable alterations which would have an overbearing impact upon the western part of the neighbour's garden (23 Lower Thomas Street), it is also important to note that the garage which previously existed on the site, although lower in height, was also immediately adjoining the boundary with 23 Lower Thomas Street and had some overbearing impact upon the western part of the neighbour's garden. Furthermore, the overbearing impact resulting from the increased height of the building and its amended siting on the plot is not considered significantly greater or significantly more detrimental than the overbearing impact of the development as approved under the original application, P/18/0403. Indeed, it would not cause any further loss of light, since the application site is located to the north of this neighbouring dwelling. The alterations to this part of the scheme are therefore considered acceptable in this instance.

With regards to the rear projection at the back of the main building, this is considered to have the greatest impact upon the neighbouring dwelling, 23 Lower Thomas Street. The plans originally submitted under this application proposed to increase the height of the flat roof of the rear projection to 4 metres (maximum height). This would have resulted in a flat roof development which was 1.3 metres higher than that which was originally approved. As a result of the additional increase in height along almost the full extent of the dividing boundary between the application site and this neighbouring dwelling, was considered to have an overbearing impact upon the neighbouring property. In order to overcome these concerns, amended plans were requested. The amended plans submitted show that the roof design would be altered to comprise a mono-pitched roof, which would slope away from the neighbouring dwelling, with an eaves height of 2.85 metres and a ridge height of 3.95 metres. Whilst it is appreciated that the roof of the rear projection would still increase in height, the eaves height is now only proposed to increase 0.15 metres instead of 1.3 metres. From this point, the roof would then gradually slope away from the boundary with this neighbouring property and therefore reduce any overbearing impact on the garden of these neighbouring occupiers. Similarly, any loss of light resulting from the small increase in the height of the rear projection would be minimal since, as explained above, the application site is located to the north of this neighbouring dwelling.

In respect of its fenestration arrangement on the rear projection, this has not been altered since the original approval under P/18/0403 and would therefore still comprise 2 rear east facing windows. However, due to the difference in the ground levels, these windows now sit above the new brick boundary wall and can now be viewed from the neighbouring dwelling's rear kitchen and bedroom windows. Although these windows are visible, they do not provide any direct overlooking opportunities into the neighbouring dwelling. The orientation of the rear projection combined with the window's oblique angle makes any overlooking into these rooms very difficult. As such, only the cill's of each of the windows serving these rooms (kitchen and bedroom) can be readily viewed. It is therefore considered that views from these windows would not give rise to any significant loss of privacy to these neighbouring occupiers.

It is also noted that the rear projection, like that shown as part of the originally approved scheme under planning permission P/18/0403, would continue to have a close relationship with this neighbouring dwelling. This close relationship however appears to be characteristic of the area, since the development which previously existed on the site, CAB and garage buildings, combined with the neighbouring dwelling 23 Lower Thomas Street and 24 and 25 Lower Thomas Street, were buildings and dwellings that were clustered close together and shared a rear courtyard and access off Lower Thomas Street. Indeed, the large mono-pitched outbuilding in the rear garden of 23 Lower Thomas Street, forming the boundary with the 22 Lower Thomas Street, also has a close relationship with this neighbouring dwelling and an overbearing impact on the garden of these neighbouring occupiers, since as discussed earlier, the pattern of development in this immediate area is largely made up of terraced properties and other larger developments, i.e. Adulum building, that are close-knit together.

The relationship of the proposed development as amended, and the existing neighbouring properties is therefore considered acceptable in this instance and would comply with LDP Policy SW4.

Ecology

As part of the original approval P/18/0403 a method statement outlining mitigation measures for bat provision was submitted to and approved by Natural Resources Wales. The mitigation measures included the provision of bat boxes and crawling bat spaces access points, on the existing building at 24 Lower Thomas Street. Plans were submitted on the 6th June 2023 to show the location of a bat box and 4 crawling bat spaces access points on the southern gable side elevation of the 24 Lower Thomas Street. These plans were considered by the Council's Ecologist and were found to be acceptable. The proposed development, provided it is carried out in accordance with the submitted plans, would be considered acceptable and comply with LDP Policy EnW1.

Response to Representations

Many of the concerns raised by local residents have been considered above. Other concerns raised are addressed below:

- The blockwork wall adjacent to the neighbouring property, 23 Lower Thomas Street, would be rendered and the agent has confirmed that scaffolding would not need to be erected in the garden of this neighbouring property to complete these works;
- The agent has been reminded on multiple occasions of the permitted on-site working times. A condition to control on-site working and minimise disturbances and nuisances to nearby occupiers would also form part of any planning permission granted;
- The construction works have been on-going for a significant period of time with delays as briefly discussed above resulting from the pandemic and issues on-site. However, the constructions works are temporary and given the advanced stage the developer is near completion. During this time, the right of way and access from Lower Thomas Street into the neighbouring property, 23 Lower Thomas Street, has been retained and access into the neighbours rear garden area, continued to be available via the side gate off the rear shared courtyard area;
- The plans submitted include illustrated views of the site, one of those being from Lower Thomas Street. The access gate however would not be altered as part of this application. The illustration simply shows the view of the rear projection above the existing gate. A new gate is therefore not proposed in this location;
- The development approved on this site relates to 5 affordable flats. This has not been altered under this application. Thus, any odours emanating from the windows of the residential units would be no different to the relationship between the existing residential properties in the vicinity and would not amount to a sufficient reason for the refusal of this application.

Review of conditions of planning permission P/18/0403

Conditions which were imposed as part of the original planning permission, P/18/0403, have been reviewed. Where necessary, conditions have been re-imposed to ensure that the development is fully implemented in accordance with the approved details.

CONCLUSION

The proposed development, for the reasons discussed above, is therefore considered acceptable and would accord with the relevant 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.

RECOMMENDATIONS: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Drawing A100, Revision C, received 15th February 2019 (as approved under planning permission P/18/0403);
 - Drawing A101, Revision C, received 15th February 2019 (as approved under planning permission P/18/0403);
 - Drawing A102, Revision C, received 15th February 2019 (as approved under planning permission P/18/0403);
 - Proposed Ground Floor Plan, Project no: L779, Drawing no: A122, received: 28th April 2023;
 - Proposed First Floor Plan, Project no: L779, Drawing no: A123, received: 28th April 2023;
 - Proposed Front and Rear Elevations (Existing Flats 1-3), Project no: L779, Drawing no: A126, received: 28th April 2023;
 - Proposed Side Elevation, Project no: L779, Drawing no: A129, received: 28th April 2023;
 - Proposed Front Elevation (Tramroadside North), Project no: L779, Drawing no: A127, received: 28th April 2023;
 - Proposed Side Elevation (Existing flats), Project no: L779, Drawing no: A132, received: 6th June 2023;
 - Proposed Floor Plans (Flats 1-2), Project no: L779, Drawing no: A125, received: 6th June 2023;
 - Proposed Site Layout, Project no: L779, Drawing no: A121, received: 17th July 2023;
 - Proposed Roof Plan, Project no: L779, Drawing no: A124, received: 17th July 2023;
 - Site Section, Project no: L779, Drawing no: A130, received: 18th July 2023;
 - Proposed Courtyard Elevation, Project no: L779, Drawing no: A128, received: 18th July 2023;
 - Perspective Views, Project no: L779, Drawing no: A133, received: 18th July 2023;
 - Proposed Side Elevation (From Graden of no. 23), Project no: L779, Drawing no: A128, received: 18th July 2023.

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

2. 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 the residential properties are only used for affordable housing.

3. The materials to be used in the construction of the external surfaces of the development (including windows and doors) shall be completed in accordance with the details (Colour Elevations, Project no: L779, Drawing no: A150, received: 26th February 2020 and Material Schedule, Project no: L779, Drawing no: A153, received: 26th February 2020) approved on the 4th May 2020, under discharge of condition P/20/0051.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the conservation area and adjoining buildings in the interests of visual amenity and to accord with Policies SW4 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. The scheme for the disposal of foul and surface water to serve the proposed new build flats, to incorporate SUDS principles, shall be completed in accordance with the details (Drainage Layout, Drawing no: 18221-CAB-JUBB-V1-ZZ-DR-C-0500, Rev P01, received: 26th February 2020) approved on the 4th May 2020, under discharge of condition P/20/0051.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policies SW11 and ENW4 of the Merthyr Tydfil Replacement Local Development Plan.

5. Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 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 SW4 of the Merthyr Tydfil Replacement Local Development Plan.

6. The positions, height, design, materials and type of boundary treatments, to include the external stairs to the proposed lower courtyard, shall be completed in accordance with the details (Boundary Layout, Project no: L779, Drawing no: A154, received: 26th February 2023 and Fence Top Railing Details, Project no: L779, Drawing no: A155, received: 26th February 2020) approved on the 4th May 2020, under discharge of condition P/20/0051.

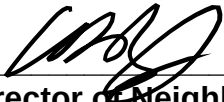
7. The development shall be carried out in accordance with the details (Geotechnical and Geoenvironmental Report, Issue date: September 2021, Job no: 16281, received on 2nd November 2021) approved under discharge of condition application P/21/0379.

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

INFORMATIVES

1. This decision notice should be read in conjunction with planning permissions P/18/0403, P/20/0051 and P/21/0379.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services



DATE: 24.08.2023