

DELEGATED REPORT

Application No:	P/23/0276
Site Address:	Theatre Royal And Thespian House Park Place Penydarren Road Merthyr Tydfil CF47 0LJ
Development:	Change of use to Cafe/Yoga Studio
Case Officer:	Marlene Ferreira
Site Visit:	24th October 2024
Application Expiry Date:	22nd January 2024
Consultation reply date expired:	20th December 2023

APPLICATION SITE

The application site relates to Thespian House, an irregular shaped building, located off Penydarren Road, near the town centre. The premises, a Grade II Listed Building (by virtue of its association to Theatre Royal) located to the north of Trevethicks Monument/public space, is served by an enclosed private courtyard/garden area to the rear and adjoins Theatre Royal to the northeast and southeast, residential properties (1-3 Gwalia Place) to the south and the adopted highway, Penydarren Place to the northwest. An undercroft/storage room provides a link between the rear garden and the Nant Morlais River, which runs north to south, approximately 20 metres from the rear of the building.

Thespian House is an extension to Theatre Royal and this is evidenced in historic maps, which shows Theatre Royal, built in 1900, and a vacant plot where Thespian House is currently standing. It is understood that Thespian House was built in the 1920's and considered a good example of a Neoclassical building. The growing popularity of the theatre at that time and the name 'Thespian House' meaning actor or actress, would suggest that it was built to house those performing at the Theatre Royal. It is also assumed that Thespian House was likely designed by another Architect, but in a way that adopted to the architectural language of Theatre Royal. The theatre was taken over by the Associated British Cinemas (ABC) chain in 1932, who gave the venue the Art Deco makeover and it is likely that Thespian House was refurbished at the same time.

Its designation for listed status is described as '*...Attached downhill to right is Thespian House, a 2-storey rendered block set back with a splayed bay further right. Continuous plain parapet (formerly crenelated), architraves with keyblocks to (boarded) windows, string-course over ground-floor links to theatre. Arched ground-floor openings also linked with segmental carriage arch on left, double boarded doors...*'

In addition to Theatre Royal, the building's character and appearance was consistent with other nearby architecture of that time, including Masonic Temple, Merthyr General Hospital and Labour Exchange.

Overtime, Thespian House has been subjected to numerous unsympathetic alterations, internally and externally, including the removal of the crenelated parapet, the removal of timber windows, the blocking up of openings, the application of pebble dash to elevations, and the removal of internal walls and floors. An extension also appears to have been added to the rear of the premises. As it stands, due to the lack of use, essential maintenance and unattractive modifications, Thespian House has lost much of its neoclassical and art deco character. It is currently in a very poor state of repair, remains vacant and has been a target for vandalism and anti-social behaviour. It would appear that it was last occupied approximately 20 years ago and this is evidenced by its current condition which includes overgrown vegetation within the building itself as well as the wider site.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of the building to provide a yoga studio/gym with café (D1 use class), to include removal of a rear extension, construction of a rear extension and refurbishment/restoration works.

At ground floor, by virtue of the addition of new walls and creation of arched entrances, the building would be subdivided to provide a seating area within the bay fronted section of the building, with a café and a WC to its rear. A small, flat roof, single storey extension, measuring 1.8m wide, 3.9m deep and 3.05m in height, would be constructed to the rear, adjacent the WC area. The cloister timber extension would create a lobby/hallway at the rear of the building. A large U shaped gym area with new central staircase, to include the retention of the original fireplace, would be provided within the rectangular part of the building. Timber panelling would also be introduced within this part of the building.

At first floor, by virtue of the addition of new walls and creation of arched entrances, the building would be subdivided to provide a studio within the bay fronted section of the building, with a changing room, shower area and WC's to its rear. A further two studios with storage space, one of which (studio 2) would include the retention of the original fireplace would be provided within the rectangular part of the building. Timber panelling would also be introduced within this part of the building.

Externally, the building would be refurbished and restored to include the re-instatement of all existing window openings at ground and first floor and the installation of new sliding sash timber windows set behind architectural detailed surrounds. The existing sections of pebble dashed elevations would also be removed and smooth render would be applied throughout. The crenelated parapet would also be re-introduced to the front and side elevations of the building.

A wellbeing garden would be provided to the rear of the premises, which would include a segregated area for outdoor yoga. This would be achieved by the demolition of the existing lean-to extension to the rear of the building (measuring approximately 21m³, and which appears to have been historically used as a plant/store room). The undercroft area which adjoins the rear garden wall, forms part of the application site but would not be converted to be used in association with the yoga studio/gym with cafe.

PLANNING HISTORY

The following planning history is relevant to this site:

P/23/0277 (LBC) – Thespian House - Change of use to yoga studio/gym with café – under consideration.

P/98/0241 (LBC) – Theatre Royal and Thespian House - Conversion into two shops and five flats – Approved: 3rd December 1998

P/98/0240 (FUL) – Theatre Royal and Thespian House - Conversion into two shops and five flats – Approved: 3rd December 1998

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No response.
Regeneration	No response.
Natural Resources Wales (NRW)	No objection.
Welsh Water	No objection, subject to conditions.
Glamorgan Gwent Archaeological Trust (GGAT)	No objection, subject to conditions.
CADW	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site. No letters of representation have been received in response to the 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 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...’*

Section 6.1 recognises the importance of protecting the historic environment, including conservation areas and listed building. Paragraph 6.1.6 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 6.1.10 states that *‘...for any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses...’*

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 (Technical Advice Note)

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 15 – Development, Flooding and Coastal Erosion (2004)

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 (May 2017)

This TAN discusses the importance of preserving the historic environment. Paragraph 1.25 explains that *‘...The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape...’* Paragraph 1.28 explains that *‘...there will be cases where a*

proposal will enhance the setting of a historic asset and this will be treated as a benefit resulting from the development...’.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4 - Settlement Boundaries

Policy SW11 - Sustainable Design and Placemaking

Policy SW13 - Protecting and Improving Local Community Facilities

Policy CW1 – Historic Environment

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

Policy Ecw7 – Tourism, Leisure and Recreation Development

- Supplementary Planning Guidance (SPG):

SPG4 – Sustainable Design, July 2013

SPG5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

The issues to consider under the assessment of 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 listed building and the wider conservation 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 leisure related development. As such LDP Policies EcW3 and EcW5 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...’*

The existing building, as previously noted, has remained unoccupied for approximately 20 years. Its proposed use as a yoga studio/gym with café, would amount to a leisure facility in the Town Centre which would bring a listed building that has been vacant for a significant period of time, that has fallen into substantial disrepair, and that has been subject to vandalism and anti-social behaviour, back into beneficial use. Thus, the proposed development to re-use and refurbish this building of historic importance would therefore be welcomed and would serve to enhance the vitality and viability of the town centre. Indeed, its re-use as a leisure facility would be far more beneficial, as opposed to the building continuously remaining vacant leading to further neglect, dilapidation and an unsafe building in the long-term. The premises as it stands, undoubtedly appears unsightly and impoverishes the historic environment of Merthyr Tydfil. In this instance, the proposed development would therefore be supported and deemed acceptable, in accordance with LDP Policies EcW3 and EcW5.

The application proposal would also result in the complete loss of the Theatre use and as such, would result in the loss of a community facility. LDP Policy SW13 is therefore relevant to the assessment of this proposal. This policy states that *'...the provision of new and enhanced community facilities will be supported subject to satisfying other relevant LDP policies. And 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 is recognised that the proposed yoga studio/gym with café would amount to a leisure facility intended to serve the local community. Thus, essentially, the proposed development would introduce a new community facility into the area, whilst also bringing an important, vacant and unsightly building back into use. It would therefore accord with LDP Policy SW13.

The application site is located in its entirety 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 yoga studio/gym with café, would lie within Flood Zones 2 (Rivers). The application has not been supported by a Flood Consequence Assessment (FCA) and it is recognised that new developments are normally discouraged within C2 flood zones. However, the proposal, as previously discussed, relates to a new yoga studio/gym with café and is therefore categorised a less vulnerable development, as opposed to highly vulnerable development, which would normally be resisted in such locations. NRW have been consulted on the application proposal and have confirmed that *'...given the nature of the proposed development, the retention of less vulnerable development (and in the absence of a FCA), we consider that the proposals could be made acceptable, subject to the developer being made aware of the potential flood risks and advised to installed flood-proofing measures as part of the development...'* Their response goes on to describe the different types of suitable flood proofing measures which could be implemented into the scheme. A copy of NRW's comments have therefore been sent to the agent for their consideration. Thus, NRW have not raised any objections and the proposal would result in an acceptable form of development in this location, which would accord with LDP Policy EnW4.

Character and Appearance

The building Thespian House, as previously explained, was an extension to Theatre Royal, constructed around 1920. It has been vacant for approximately 20 years and remains in a poor state of repair. Its conversion to a yoga studio/gym with café, would re-introduce historic detailing which have been lost as a result of the unsympathetic alterations and bring the building back into use. The proposed works are therefore welcomed and supported.

The proposed alterations, as noted earlier, would include the demolition of a lean-to extension at the rear of the premises. The extension, a small-scale structure finished with pebble dash elevations and a corrugated steel roof, given its discrete location is not visible within the surrounding area. This appears to have been used as a plant/storage room, evidenced by the numerous flue/vents on the wall of the building. It is understood, that given its siting, design, finishes and use, this extension was a later addition to the building and is of no historical or architectural value. The extension is therefore not considered to form part of the original listed building and its removal would not adversely detract from the character or appearance of the building or the wider conservation area. Indeed, its demolition would reveal the original rear façade of the building and is therefore welcomed.

A new extension would also be constructed to the rear of the building. The cloister addition is a lightweight timber structure which would provide a lobby/hallway and improve circulation and access to the WC and the rear garden. The structure, given its single storey scale and siting, would be completely screened when viewing the premises within the surrounding area. Although the addition would somewhat 'mimic' the original building by virtue of its arched openings/windows, drawn from design of the ground floor windows on the premises' primary elevation, its material finishes and design would provide transparency between the original listed building and this later addition. Thus, this extension would not adversely detract from the special character or appearance of the premises.

The internal alterations would also be considered acceptable. The internal walls and floors have been previously removed, thus new internal floors would be laid and new internal dividing walls would be constructed. The internal walls would be designed to maximize the internal space given the site's proposed use as a yoga studio/gym with café. However, this would also incorporate arched entrances which would reflect the appearance of the original building's roadside elevation. Whilst it is appreciated that the sub-division of the building would not be entirely in accordance with the building's original layout, these alterations are essential to enable the future use of the building as a yoga studio/gym with café. It should be noted however that the existing historical fireplace located within the rectangular part of the building would be retained at ground floor (within the gym area) and first floor (studio 2). The use of colour would aid to emphasise this historical feature and act as a reminder of the buildings original function. Whilst there is no historic detail to evidence the treatment of the buildings interior, timber panelling (up to dado rail level) would also be introduced to the walls of the rectangular part of the building, at ground and first floor. A hardwearing flooring, which is consistent with the neoclassical style would also be introduced which is hardwearing and fit for purposes given its proposed use as a yoga studio/gym. The timber panelling and flooring would add character to the internal appearance of the building and an appropriately worded condition would be added to any listed building consent to ensure that their colour and appearance are appropriately suited to the premises. Another notable internal alteration would be the insertion of an internal staircase which would provide access to the upper floor of the premises. This would be

sited in the rectangular part of the building. Whilst this would appear to amount to a new addition (since the heritage statement makes no reference to an existing staircase) and may be uncharacteristic of the building, it is considered that this element of the proposal would be essential to serve the two-storey building and could be acceptable depending on its design and fixing. As such to ensure consistency in the appearance of the listed building further details of this would be required by condition.

The external refurbishment and renovation works would comprise the most prominent alterations to the building. All existing window openings at ground and first floor would be re-instated and new sliding sash timber windows would be installed, set behind architectural detailed surrounds. Smooth render would be applied to all elevations (following the removal of pebble dash finish). The crenelated parapet would also be re-introduced to the front and side elevations of the building. These proposed works, particularly to the streetscene elevations, would significantly enhance the appearance of the listed building by removing the blocked up windows, unsympathetic material finishes and re-establishing formerly lost architectural and historical detailing. Whilst it is acknowledged that detailing of rainwater goods have not been included in this proposal, to ensure architectural integrity and consistency throughout the appearance of the building, a condition, requesting such details would also form part any listed building consent.

The development, as proposed, would result in the restoration of the building to its former quality and distinctiveness, whilst also enabling its adaption to a yoga studio/gym with café. As such, the proposal would enhance and preserve the character and appearance of the listed building, as well as positively contributing to the character and appearance of the conservation area and would therefore accord with LDP Policies SW11 and CW1.

Residential Amenity

The proposed development has been considered in respect of its impact upon residential amenity. Whilst the building adjoins Theatre Royal to the northeast, it would also adjoin residential properties to the south, the impact of the development therefore needs to be carefully considered. In terms of new development, the proposal would include the addition of a rear extension. This would amount to a small-scale single storey addition. Thus, given its siting and the fact that it would be screened from the neighbouring property, 3 Gwalia Place, by the existing high dividing boundary wall, the proposed extension would not appear overbearing or result in any direct overlooking into the rear amenity areas or windows of this neighbouring dwelling. It should also be noted that aside of the extension, no new window openings are proposed to the existing building. Instead, the existing openings would be re-used. Whilst it is recognised that there are existing openings to the rear of the premises (which adjoins the side elevation of 3 Gwalia Place) that could result in potential overlooking of the rear garden serving these adjoining occupiers, these have been shown on the plans as obscurely glazed windows, and an appropriately worded condition would be attached to any planning permission granted, in order to safeguard the amenities of these neighbouring occupiers.

In respect of its proposed use, it should be noted that the use of the building as a leisure facility, which would comprise a yoga studio/gym with cafe, as well as an external wellness garden with an outdoor yoga area, would undoubtedly give rise to noise and disturbance due to the comings and goings of clients/visitors and/or any activities they engage in during their visit within the building and within the garden. However, the building could re-open and be used as a theatre/cinema at any time without the need for planning permission (but would require listed building consent). Thus, any noise or disturbance

arising from the use of the premises as a yoga studio/gym with cafe would not be deemed significantly more harmful to the amenities of nearby residents than its former use which could operate at any time (following listed building consent). It should also be noted that the responsibility for dealing with any potential issues that could arise from this use, 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). In this respect it should be noted that no comments have been received from Environmental Health.

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 development.

Ecology

Given the nature of the proposed works, the condition of the building and following consultation with the Council's Ecologist and NRW, it was requested that a Bat Survey and a Green Infrastructure Statement be submitted in support of the application. An acceptable Bat Survey was received on 20th January 2025 and a Green Infrastructure Statement (GIS) was received on 21st November 2024. The Bat Survey report has identified the building as a roost for a single greater horseshoe bat, a single common pipistrelle bat and possibly a single night roosting lesser horseshoe bat. The recommendations in the report includes details of mitigation, compensation and enhancement (also set out in the GIS), which include the need to acquire an EPS licence from NRW, the presence of a licenced Ecological Clerk of Works (ECW) to mitigate any potential harm to bats, the provision of temporary roosting opportunities, in the form of a night roost and bat roost, the installation of bat and bird boxes and the replacement of existing roost with the creation of new roost, i.e. the 'cave' roost with block built baffles to opening in the undercroft area adjoining the rear garden wall, etc. The Council's Ecologist reviewed the report and did not raise any concerns with the recommendations put forward, provided that the development is carried out in accordance with the relevant document. Likewise, NRW have not raised any objections or concerns following the consideration of the Bat Survey. Thus, a suitably worded condition could be added to any planning permission granted to ensure that the development is carried out in accordance with the submitted information.

In respect of the GIS report submitted, the Council's Ecologist has raised concerns that the report fails to include any specific details in respect of the proposed planting. There are also concerns that a long-term habitat management and maintenance plan (to include a method of preventing/managing vegetative growth that may block the entrance to the new 'cave' roost plan) has not been submitted to support the GIS. However, in this instance it is acknowledged that the rear garden serving the premises is limited in size. Furthermore, given the proposed use of the premises which would include an outdoor yoga area, the areas available for planting would also be limited. As such, in this instance, it is considered that this information could be requested by condition, and a suitably worded condition could therefore be added to any planning permission granted.

Thus, provided the development is carried out in accordance with the above reports and appropriately worded conditions are added to secure the remaining information, the proposed development would be acceptable and accord with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed yoga studio/gym with café, like the former theatre use, is not served by any on-site parking provision and there is no capacity within the site to provide any on-site parking provision. Furthermore, there is no on-street parking provision, since the road outside the application site is a main road, where on-street parking is restricted by double yellow lines either side. The streets nearby also restrict on-street parking by virtue of double yellow lines. Thus, both on-site and on-street parking is unavailable to serve the parking requirements of the proposed leisure facility. The premises however, is located within easy walking distance of a public car park, adjacent to 56 Pontmorlais. In addition, the site lies in a sustainable location given its town centre position. Thus, given the site's location and proximity to an existing public car park, the Head Engineering and Highways has not raised any objections. The proposed development is therefore acceptable and would not be considered to give rise to any adverse or significant highway or pedestrian safety concerns. As such, it 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:

- 907.08C Proposed Ground Floor Plan, received: 26th February 2025;
- 907.13A Proposed Section, received: 5th February 2025;
- 907.18B Proposed Block Plan, received: 28th January 2025;
- 907.12A Proposed Rear Elevation, received: 28th January 2025;
- 907.09B Proposed Front Elevation, received: 15th January 2025;
- 907.10A Proposed First Floor Plan, received: 15th January 2025;
- 907.11B Proposed Side Elevation, received: 15th January 2025;
- 907.19A Proposed Enhancements Building B, received: 15th January 2025;
- 907.15 Drawing of Internal Refurbishment, received: 27th November 2023;
- Design, Access and Heritage Statement, received: 27th November 2023;

- Bat Survey Report by Little Wing Ecology, received: 20th January 2025;
- Green Infrastructure Statement, received: 21st November 2024.

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

3. Prior to the occupation of the yoga studio/gym with cafe hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the beneficial use of the building.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **No external lighting shall be installed on-site**, 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.

5. Prior to the beneficial use of the yoga studio/gym with cafe hereby approved, the enhancement measures proposed, as stipulated in the recommendations set out in Bat Survey Report (received 20th January 2025) and Green Infrastructure Statement (received 21st November 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.

6. 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.

7. 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.

8. **BEFORE** works commence, details of an adequate grease trap, shall be submitted to and approved in writing by the local planning authority. The grease trap shall be fitted in accordance with the approved details prior to the beneficial use of the premises and shall be maintained to prevent grease from entering the public sewerage system thereafter.

Reason - To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. **No development shall commence**, until an appropriate programme of historic building recording and analysis has been secured and implemented, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason - As the building is of architectural and cultural significance the specified records are required to mitigate impact, in accordance with LDP Policy CW1 of the Merthyr Tydfil Replacement Local Development Plan.

10. Before the development hereby permitted is brought into use, the windows at the rear of the premises (annotated 'obscurely glazed' on plan 907.12A received on 28th January 2025) shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The windows shall be permanently retained in that condition thereafter.

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

11. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of proposed landscaping, to include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity, to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

13. **No development shall commence** until a long-term habitat management and maintenance plan (to include a method of preventing/managing vegetative growth that may block the entrance to the new 'cave' roost plan) 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 ecology and biodiversity, to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. 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.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To

undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

4. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 11.03.2025