

DELEGATED REPORT

Application No:	P/26/0040
Site Address:	92-94 Ethan Arcade High Street Merthyr Tydfil CF47 8UP
Development:	Conversion of the 1st and 2nd floors to 8 x 1-bed flats (4 units on each floor), above the ground floor property known as Barcode.
Case Officer:	Gareth Davies
Site Visit:	4th March 2026
Application Expiry Date:	23rd April 2026
Consultation reply date expired:	24th March 2026

APPLICATION SITE

This application relates to a mid-terraced commercial property located on the high street in the northern part of the town centre. The property directly fronts on to the main highway to the east with Castle Yard Lane to the west that links to a nearby public car park. To the north and south are adjoining commercial properties.

The building currently accommodates a bar/night club on the ground floor with vacant office and storage space on the first and second floor. Although the building is located within the Town Centre Conservation Area, its front elevation has a modern brickwork appearance with a recessed arched doorway at the centre and an arrangement of timber framed sash windows on the upper levels. The majority of the adjacent properties within the street incorporate more traditional shop frontages with sash windows. The rear elevation of the building, which backs on to Castle Yard Lane, has a rough rendered finish, which is generally in poor condition and includes a number of modern windows and a service entrance.

PROPOSED DEVELOPMENT

The proposed development seeks permission to convert the first and second floors of the property to 8 no. one bedroom flats (four on each floor). All flats would be accessed via a single entrance at the rear of the property on Castle Yard. The development would take place within the fabric of the existing building but will necessitate the following changes/additions to the building: -

Front elevation

- The repainting or replacement of sash windows in timber. Replacements will match the existing.
- Flood barrier system installed to the front entrance to protect the threshold.

Rear elevation

- New entrance door to flats with flood barrier installed to protect threshold.
- New bin store
- Reconfiguration of windows to the rear elevation and fitting with uPVC units.
- Installation of 3 no. triple crevice bat boxes to rear gable.

In addition to the submitted plans the application is supported with the following documents: -

- Bat Emergence and Re Entrance Survey
- Acoustic Report
- Heritage and Design Statement
- Flood Risk Assessment
- Ecology Report.

PLANNING HISTORY

P/21/0289 – conversion of 1st and 2nd floors to 6no. studio flats and 6no. holiday lets – Approved 25th March 2022.

P/06/0187 - Change of use of building to Public House/Bar (A3 use) - Permission GRANTED on 07.07.2006

P/04/0331 - Change of use of ground floor use from retail to leisure use (Alternative Remedy and Relaxation Centre Spa Club) - Permission GRANTED on 31.08.2004

P/03/0292 - Change of use from retail (A1) to licensed premises (A3) - REFUSED permission on 29.10.2003 due to noise concerns and traffic congestion concerns.

P/98/0431 – Change of use to ground floor café/restaurant - Approved 12/11/1998

CONSULTATION

Head of Engineering and Highways – No objection

Council's Ecologist – No objection

Environmental Health Manager – No objection

Regeneration Division – No response received

Housing Division – No objection

Natural Resources Wales – No objection

Dwr Cymru Welsh Water – No objection

South Wales Fire & Rescue Service – No objection

South Wales Police – No observations to make

Heneb – No objection

Merthyr Tydfil Heritage Trust – No response received.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties on 3rd March 2026 and site notices were displayed within the vicinity of the site on 4th March 2026.

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems, and improving the health and well-being of our communities. Key policy considerations in Future Wales that relate to this application include:

- Policy 1: Where Wales will grow.
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking.
- Policy 6: Town Centre First.
- Policy 8: Flooding.
- Policy 33: National Growth Area: Cardiff Newport and the Valleys,

Planning Policy Wales (PPW), Edition 12 (February 2024) provides guidance on issues relevant to this application namely:

- Placemaking in Action: Good Design Making Better Places.
- Strategic Placemaking: Previously Developed Land.
- Active and Social Places: Living in a Place.
- Activities in a Place: Retail and Commercial Development.
- Recognising the Special Characteristics of Places.
- Recognising the Environmental Qualities of Places.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning – September 2009
- TAN 11, Noise, October 1997
- TAN 12, Design, March 2016

- TAN 15, Development and Flood Risk, March 2026
- TAN 18, Transport, March 2007
- TAN 24, The Historic Environment, March 2026

Local planning policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

- SW3 - Sustainably Distributing New Homes
- SW4 - Settlement Boundaries
- SW9 - Planning Obligations
- SW11 - Sustainable Design and Placemaking
- SW12 - Improving the Transport Network
- CW1 - Historic Environment
- EnW1 - Nature Conservation and Ecosystem Resilience
- EnW2 – Internationally and Nationally Protected Sites and Species
- EnW4 - Environmental Protection
- EcW5 - Town and Local Centre Development

Supplementary Planning Guidance (SPG):

- SPG 1- Affordable Housing, March 2012
- SPG 2- Planning Obligations, March 2012
- SPG 4- Sustainable Design, July 2013
- SPG 5- Nature and Development, May 2015

PLANNING CONSIDERATIONS

The consideration of this planning application has a number of key themes for consideration that include, planning policy, the acceptability of the proposed external alterations within a Conservation Area, highway concerns, amenity considerations, ecological impact, and flood risk.

Planning Policy

The application site is located within the settlement boundary where the majority of new development is generally encouraged and supported in principle by policy SW4 of the LDP. The proposed change of use of the upper levels of the building promotes a mixed-use development that supports the regeneration of the town centre. The provision of flats would reinforce the variety of uses within the town centre alongside retail, leisure and business premises. The provision of residential uses above commercial premises also encourages greater vibrancy to the area with people coming and going at various times of the day. This in turn can have economic benefits for existing businesses.

It is acknowledged that the residential accommodation is located above a bar/night club, which has the potential to be a source of noise and disturbance for the future residents. Whilst such uses would not typically be compatible, it is not uncommon to see such arrangements in busy town centres, where residents cannot reasonably anticipate the same level of peace and quiet that might be expected in a residential area. The proposal also involves the provision of noise insulation between the elements of the building which

is addressed below. Furthermore, it is noted that there are already a number of residential uses above commercial properties within the town centre, which provides a highly sustainable location and is the focus for future growth and regeneration. As such, the principle of the development is deemed to be acceptable.

Impact of the External Changes on the Conservation Area.

The majority of the proposed works involve alterations to the internal layout of the building to provide the necessary reconfiguration to accommodate the flats and communal access areas. In response to the internal changes, it is proposed that new windows or enlarged window openings would be provided on the rear elevation.

Although the front of the building has a modern appearance, it nonetheless presents a prominent frontage along the main high street, which forms part of the Town Centre Conservation Area. No alterations are proposed other than the repair and replacement of the windows on a like-for-like basis. The windows are of an appropriate style and proportion that complement the character and appearance of the area.

The rear elevation of the building is in poor condition and in need of maintenance. The existing timber-framed windows, within modern openings, appear to be single glazed, weathered, and unlikely to meet current standards for residential use. This part of the building fronts onto a road that provides access to service areas and a nearby public car park. In the immediate vicinity of this part of the building there are no features of architectural or historic merit and, consequently, it makes little or no contribution to the main high street or the wider conservation area. As such, the proposed alterations to the fenestration (i.e. the installation of larger timber-effect uPVC windows) and the installation of an access doorway serving a bin store would not have a harmful impact on the character or appearance of the surrounding area.

Accordingly, the proposed external alterations to the building are deemed to be acceptable and would comply with policies SW11 and CW1 of the LDP.

Highway Concerns

The application site would continue to be accessed and serviced from both the main high street and from the rear lane. It is noted that the main highway remains restricted with one-way traffic flow.

The existing access serving the night club/bar from the front of the building off the main high street would remain. It is proposed that the flats would be accessed from the existing ground floor rear entrance via a new internal staircase and communal corridor. This access is served by an existing footpath that links to the adjacent Penderyn Square to the south of the site. The development is located at the heart of the town centre, within walking distance of the main bus station and train station, as well as a range of local shops, services, and facilities. It is acknowledged that there is no designated off-street or on-street parking available within the immediate vicinity of the site and that the car parks around the town centre are mostly regulated or incur a charge for use. The CSS Wales Parking Standards set out the parking requirements for residential and tourist accommodation for different zones. It has been highlighted by the Head of Engineering and Highways that, within a town centre location, 0.5 to 1 parking space per residential unit would normally be required. However, given the highway restrictions in the vicinity, it is acknowledged that the provision of dedicated parking is not possible. In this instance,

given the sustainable location of the development within the town centre and its proximity to public transport and other services, no dedicated parking provision is sought.

In the supporting documentation the applicants indicate that cycle storage can be provided. This is not shown on the submitted plans. Given the restricted nature of the site, cycle storage can only reasonably be accommodated within the building either within the ground floor store area or within the respective flats.

The Head of Engineering and Highways has not raised any highway safety concerns with the proposal, subject to conditions relating to the suitable provision of cycle and bin storage. Therefore the proposal complies with Policy SW11 of the LDP.

Amenity Considerations

The property is located at the heart of the town centre where a high level of activity can be expected during the day and in the late evening. Whilst the sub-division of the building to provide a number of flats would intensify the use, it would not result in an adverse impact on the level of amenity currently enjoyed by neighbouring occupiers, which may include residential properties above shops.

In this instance, however, the greater concern is the living conditions of those who would occupy the proposed flats, given their location above a bar/night club, which has the potential to give rise to conflict between late-evening entertainment and the need to provide reasonable control over the noise and disturbance to which future residents may be subjected.

To that end, the submitted plans clearly indicate the provision of soundproofing between the bar area and the residential accommodation above. The proposal is supported by an Environmental Noise Assessment that was submitted in support of the previous P/21/0289 application for flats and holiday lets at the premises.

As part of the assessment, noise monitoring was carried out to the front and rear of the property to capture the background noise levels. The report notes that the minimum consistent daytime and night-time background noise levels were 44dB to the front and 49dB to the rear of the building during the day, and 33dB to the front and 48dB to the rear in the evening. The ambient noise to the front of the building was created by pub-goers and pedestrians along the High Street, while to the rear the noise was created by existing plant operating in the Castle Yard vicinity. The report notes that events can occur where noise levels greatly increase, to as high as 105dB to the front and over 82dB to the rear of the building. These events arise from singing and shouting by pub-goers on the High Street, most frequently between the hours of 22:00 and 00:00 when people are leaving the premises.

The noise assessment also considers the break-out of noise from the ground floor bar to floors directly above and to outside. Inside the bar area when music was being played, the noise levels were 86db, at 1st floor level it was 46db and at 2nd floor it was 39db. The music was noted to be clearly audible at both levels. Outside the building, the noise levels were recorded at 59db at a distance of 5m from the front façade and 54db at a distance of 5m from the rear façade.

It is recommended in the report that the music noise levels in the bar area would need to be limited to minimise excessive break-out to the flats above. Table 5.1 of the report sets

out the preliminary recommended limits of 75dB, which may vary slightly for the individual octave bands. The report suggests that, once the development is complete, a further break-out test should be undertaken and the final noise limit agreed. An appropriate fixed limiter should then be installed to ensure the agreed limits are not exceeded.

To further ensure the fabric of the building provides sufficient noise reduction, the report notes that the existing and proposed windows would require up-rating and a typical glazing system should be capable of achieving appropriate noise attenuation. On the front and rear façade it is recommended that an appropriate ventilation system is provided that does not rely on the opening of windows or trickle ventilators.

To minimise the level of noise passing through the floors, it is recommended that three layers of acoustic plasterboard on acoustic hangers be used. On the top floor, it should include a deep batten resilient floating floor. Acoustic plasterboard should also be used internally on the walls. Once the suggested mitigation measures have been put in place, the report recommends a further sound insulation test be carried out in order for the final music noise level limit to be set. Subject to the noise mitigation measures being put in place and an appropriate limit imposed on the music noise level, the residential use of the upper levels of the building would be acceptable and within reasonable limits, which can be secured by condition. It is acknowledged that the Environmental Health Manager has raised no objection to the application, particularly in regard to noise and disturbance. Therefore, the proposal is considered compliant with policies SW11 and EnW4 of the LDP.

Ecological Impact

When proposals were considered for the conversion to flats and holiday lets in 2021, the application was supported by a Preliminary Roost Assessment Survey. The survey suggested that there was secondary evidence that the property had been used as a bat roost within the attic space, as well as by pigeons. Consequently, a full suite of bat emergence and re-entry surveys was undertaken, which revealed that historically there might have been a pipistrelle bat roost at the premises. However, the report concluded that the proposed flats would not pose any risk to roosting bats and would not be likely to result in any interference with external bat commuting or foraging. The report did not recommend any mitigation.

The same report was submitted in respect of the current application and, on the recommendation of the Council's Ecologist, a further updated report was sought.

Updated reports utilising appropriate investigation techniques were submitted in support of the current application which found no evidence of roosting bats or nesting birds, including owls. Following further consultation, the Council Ecologist holds no further objections subject to any consent being conditioned to secure some Net Biodiversity Benefit in the form of bat boxes being fitted to the gable of the western (rear) elevation.

Natural Resources Wales have not objected to the proposals in respect of their ecological impact but note that the submitted initial supporting ecological report was out of date and suggest the advice of the Council's ecologist is sought with regard to the proposals.

The applicants have not provided a Green Infrastructure Statement to support the application but given the constraints presented by the application site and the fact that built development fills the plot, it would not be particularly helpful in this instance. Nonetheless,

some benefit is delivered through the provision of bat boxes through the proposed development.

In light of the above, the applicants have provided sufficient evidence to demonstrate that the current proposals are demonstrably compliant with the requirements of the Merthyr Tydfil Replacement Local Development Plan Policies EnW1 and EnW2 in relation to the impact of the development on the ecology of the site.

Flood Risk

The proposed development lies within an area deemed to be at risk of flooding (Flood Zone 3) on the Flood Maps for Planning (FMfP) identified by Natural Resources Wales. TAN 15 Development and Flood Risk, urges caution when dealing with highly vulnerable development located within flood zone 3. In this regard it is noted that residential development is deemed to be a highly vulnerable use. Accordingly, the Flood Consequences Assessment (FCA) that was submitted as part the previous P/21/0289 application has been submitted in support of the current proposal.

The report indicates that the property has a low risk of flooding from rivers and a moderate risk from groundwater flooding during a 1 in 100-year event. The access to the east of the property from the main highway is at a low risk with flood depths of up to 0.3m. The report also notes the access from the east could be constrained by a 'Danger for Most' hazard rating, although if access arrangements were changed to the western side of the property, this would be reduced to a 'Low' hazard rating, which would be acceptable. It is noted on the submitted plans that the access serving the flats would indeed be from the western side of the building along Castle Yard Lane. Additionally, the report recommends that the finish floor level of the rear entrance be raised by 0.3m above existing and that flood barrier systems be installed to protect the thresholds. It is noted on the submitted plans that the rear access would be subject to recommended flood protection measures in line with the FCA advice.

Natural Resources Wales (NRW) acknowledges the development would result in a highly vulnerable development being introduced into an area of flood risk. However, they have noted that the proposed flats would be elevated above that flood risk and there would be no change in the vulnerability of the ground floor use. As such, NRW have not raised any objection to the development.

The proposal has the potential to form part of the wider regeneration of the town centre, which in turn can contribute to its vitality and viability. The need to bring a vacant unit back into beneficial use, together with the provision of residential units in a sustainable location close to local services and facilities, would greatly benefit the town centre. Despite the location of the development within a flood zone, in this instance, given that the accommodation would be on the upper levels of the building, there would be a low risk to future occupants and the development would provide economic and social benefits that outweigh the low flood risks identified. Therefore, the proposal complies with Policy EnW4 of the LDP.

Planning obligations

In accordance with Policy SW9 of the LDP where appropriate and having regard to the development's viability, on sites where 5 to 9 homes are proposed, a financial contribution may be sought towards the provision of affordable housing. The viability of the scheme

has been assessed using the Three Dragons Toolkit by the Planning Division's Policy Officer on the basis of 8 one bedroom flats. It is concluded, that no planning obligations would be sought in this instance, as this would likely render the development financially unviable. Accordingly, the development complies with policy SW9 of the RLDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. 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: -

- Proposed Ground Floor Plan Drawing No. 5351-204 Rev T1
- Proposed First Floor Plan Drawing No. 5351-300 Rev T1
- Proposed Second Floor Plan Drawing No. 5351-301 Rev T1
- Proposed Section A-A Drawing No. 5351-304 Rev T1
- Proposed Section B-B Drawing No. 5351-305 Rev T1
- Existing and Proposed Elevations Drawing No. 9435-105 Rev P4
- Flood Consequences Survey dated 03/08/2021
- Bat Survey Report dated 25th March 2026

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

3. **Prior to the occupation of the flats hereby approved**, a noise assessment shall be submitted, as recommended in the Environmental Noise Assessment (6048/ENA1_Rev 1), which shall include the results of a further break out assessment, to be submitted to and approved in writing by the Local Planning Authority. Details shall also be provided of the music noise limits and the measures that shall be put in place to ensure such limits are not exceeded. The approved measures shall be fully implemented prior to the first occupation of the flats and shall be retained at all times thereafter.

Reason - To ensure appropriate noise insulation, attenuation and mitigation measures are in place in the interests of residential amenity of the future occupants of the flats in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the occupation of the flats hereby approved**, details shall be submitted to and approved in writing by the Local Planning Authority, for the provision of three cavity bat boxes (constructed from woodstone or woodcrete) on the western elevation of the building, as illustrated on Existing and Proposed Elevations (Drawing No. 9435-105 Rev P4). The bat boxes shall be installed in accordance with the approved details prior to the occupation of the flats.

Reason - To protect the natural environment in accordance with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the first occupation of the flats hereby approved**, full details of cycle parking facilities to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided prior to the first occupation of the flats and shall remain available for such purposes at all times thereafter.

Reason - To encourage sustainable modes of transport in accordance with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to the first occupation of the flats hereby approved** details of bin storage facilities to serve the flats shall be submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to the first occupation of the flats and shall remain available for such purposes at all times thereafter.

Reason - To ensure adequate waste disposal facilities are available to the occupiers of the flats in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation, and records show that bats have been sighted near to the site. If works are planned on a building / tree in which bats are roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 22.05.2026