

DELEGATED REPORT

Application No:	P/24/0158
Site Address:	68 High Street Merthyr Tydfil CF47 8AE
Development:	Conversion of first and second floors to 12 self contained flats and associated external alterations
Case Officer:	Rebecca Owens
Site Visit:	15th July 2024
Application Expiry Date:	7th November 2024
Consultation reply date expired:	5th December 2025

APPLICATION SITE

The application relates to a three-storey property comprising of three commercial units at ground floor with the upper storeys currently vacant. The site is located within the Merthyr Tydfil town centre and Town Centre Conservation Area. The site is therefore within a mixed-use area in which there are retail, commercial, leisure and residential uses. Indeed, the ground floor units are current occupied by two barbers and a shop and the building is bound by a Grade II listed bank to the north and an opticians to the south.

PROPOSED DEVELOPMENT

Full planning permission is sought for the conversion of first and second floors to provide twelve self contained flats. There would be six flats on each floor each with a double bedroom, a kitchen living area and bathroom. In order to the facilitate the conversion some associated external alterations are also proposed. These are summarised below:

- The insertion of two roof lanterns into the main roof to create light wells into the first and second floors. The roof lanterns would measure 1.95m by 1.2m and would project above the roof by 1.45m and above the front parapet by 0.6m. Within the light wells there would be windows providing light to bedroom windows.
- The existing second and third floor windows in the rear elevation of the rear annexe would be replaced with larger windows to serve bedrooms and the windows in the side elevation would be removed.
- The conversion of a single storey annexe to provide twelve cycle stands and including the repositioning of the doorway;
- The creation of a covered bin store in the rear yard area; and
- The provision of six parking spaces within the rear yard.

PLANNING HISTORY

The relevant planning history is summarised below:

P/10/0186	Change of use of shop to coffee shop (Class A3 use) Granted planning permission on 3 September 2010
P/00/0063	New shop front Granted planning permission on 7 April 2000
P/99/0358	Change of use to I.T.Training Facility Granted planning permission on 14 October 1999
P/99/0068	New shop front Granted planning permission on 22 April 1999
P/98/0497	Change of use to daycare facility for 0-5 year olds (12 children only) Refused planning permission on 28 January 1999
P/98/0496	New shopfront Granted planning permission on 7 January 1999
P/98/0102	Change of use from offices to Daycare Centre and Activity Room. Refused planning permission on 10 September 1998

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering and Highways	No objection subject to conditions
Planning Policy Officer	No objection
Ecologist	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Natural Resources Wales (NRW)	No objection
South Wales Fire and Rescue	No objection
Dwr Cymru Welsh Water	No objection subject to condition

PUBLICITY

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

One representation was received following this publicity exercise with concerns raised in respect to land ownership and tenancy/lease agreements and the potential development

impacting upon the ground floor unit(s) in a way that would prevent their continuing use or result in a loss of the businesses and associated jobs.

Local ward councillors have been consulted and have not requested that the application be presented to the planning committee. Accordingly, the application shall proceed to be determined under delegated power by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) must be taken into considerations. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution”*. Similarity, Paragraph 4.1.37 notes that *“Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services”*. In respect to car parking paragraph 4.1.51 notes *“Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport”*.
- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:

- *“promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and*
 - *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport”.*
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *“Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel”.* Paragraph 4.3.34 expands on this further and notes that *“In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening”.* The introduction of residential use into centres is specifically referred to in paragraph 4.3.37 noting that *“Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre”.*
 - Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *“There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised”.* With paragraph 6.1.15 clarifying that *“There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level”.*
 - Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 5: Nature Conservation and Planning
- TAN 15: Development and Flood Risk and updated TAN 15: Development, flooding and coastal erosion
- TAN 18: Transport
- TAN 12: Design
- TAN 24: Historic Environment

Local Planning Policies

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

- SW1 Provision of New Homes
- SW2 Provision of Affordable Housing

- 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
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed flats would be acceptable in this town centre location and within a flood zone, and whether they would be acceptable with regards to their impact upon the character and appearance of the premises, residential amenity, ecology, parking provision and highway safety.

Principle

The application site is located within the primary growth area of the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect it is noted that the site also lies within the town centre boundary but outside of the Primary Shopping Area. As such Policies EcW3 and EcW5 would be relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in the town centre where they improve its vitality and viability. The proposal would introduce new residential units to the upper floors, thus bringing vacant space back into use and positively contribute to the long-term sustainability of the premises. Furthermore, as the flats are proposed at first and second floors only, the proposal would not directly affect the commercial units at ground floor level and thus would not impinge upon the vitality and viability of High Street or the wider Town Centre. Indeed, it is considered that reuse of the upper floors would in fact contribute to the vitality and viability of this town centre. The development would therefore accord with these policies and those of PPW.

Character and Appearance

The application site is located within the Town Centre conservation area and Urban Character Area 1 (Town Centre: High Street and Pontmorlais) and is adjacent to the Grade II Listed Lloyds Bank. As such the design and visual impact of the development is an important consideration, with Policy CW1 highlighting that proposals will only be permitted where they would preserve or enhance designated historic environment assets. In this respect it is noted that only minor external alterations to the building are proposed with the main front façade remaining unchanged. The biggest alteration would be the insertion of two roof lights within the main roof. However, these would largely be obscured by the parapet roof and would not be visible from ground level when looking up at the building. As such, these would have minimal visual impact. Similarly, the alterations to the windows and erection of a bin store are considered to be modest changes which are located to the rear of the property. These would not have any harmful impact on the visual amenities of the building itself or indeed on the area in general. Thus, whilst the proposed change of use would result in some external alterations to the building, these would not be considered substantial and as such would not detrimentally affect the character and appearance of the premises, the wider conservation area or indeed the setting of Lloyds Bank. The proposal would accord with Policies SW11 or CW1 of the LDP.

Residential amenity

Regard has also been had for the impact of the development on the residential amenities of neighbouring occupiers. In this respect it is noted that the proposal relates largely to a change of use with only minimal external alterations. These would not have any overbearing impact or generate any overshadowing or loss of light. In addition, no concerns are raised in respect to overlooking or loss of privacy from the building to the neighbouring properties. It is recognised that one of the light wells would provide bedroom windows bedrooms to different flats. These would be situated on the opposite sides of the light well at just under 1m apart but have been set so they are not directly opposite on another. To ensure that there is no overlooking between these windows it is recommended that a condition be added to any permission issued which requires these to be obscure glazed and only openable 1.7m above the internal floor level. With the inclusion of this condition there would be no harmful impact on the residential amenities of the residents of the proposed flats themselves.

The application site is located within the town centre and, as such, in an area characterised by a mixture of commercial, leisure and residential uses. It is noted that in the immediate vicinity of the site there are uses which would create a degree of noise and disturbance and that some of these uses operate later into the evening and night. As such whilst the proposed use, would generate additional comings and goings, within this setting it is not considered that it would significantly add to the level of noise and disturbance that already exists and any future residents of the flats would occupy them in full knowledge of the uses in the area and noise and disturbance that these would cause. It is also noted that no objections were received from the Environmental Health Manager or following the publicity exercise in this respect. The proposal is therefore found to accord with Policies SW11 and EnW4 of the LDP.

It is noted that one representation was received following the publicity exercise. The main concerns raised within this related to land ownership and tenancy/lease agreements and the potential development impacting upon the ground floor unit(s) in a way that would prevent their continuing use or result in a loss of the businesses. However, given that the

change of use only relates to the upper floors of the building and having regard to the nature of the external works, there would not appear to be any changes that would impact on the ground floor units that would prevent them from continuing to operate and in the event that the uses of the ground floor units were proposed to change from their permitted use, a further planning application maybe required and would be subject to its own consultation exercise. Land ownership and the continuation of tenancy/lease agreements is a legal matter outside of the planning system.

Parking and highway safety

The application includes the provision of six parking spaces. Whilst it is recognised that this is not sufficient to provide a designated parking spaces for each of the flats and the existing commercial units, the application site is located in the town centre, which is well served by public car parks and public transport links. Given this location it is not considered that the lack of parking would impact on highway safety and in fact would encourage the use of other more sustainable modes of transport to the private car. In this respect it is noted that the scheme would also provide twelve cycle stands within an existing annexe. It is also noted that no objections have been received from the Head of Engineering and Highways. The proposal therefore complies with Policies SW11 and SW12 of the LDP and PPW.

Flood risk

At the time when the application was submitted, it was noted that the site was located within a C2 Flood Zone of the Development Advice Map (DAM). It is acknowledged that this proposal is for residential units which are classed as highly vulnerable development. Whilst it is recognised that national policy outlines that highly vulnerable development in C2 Flood Zones should not be permitted, in this instance the residential units would only be located on the first and second floors with the ground floor remaining in less vulnerable commercial use. In addition, it is highlighted that this proposal would help to bring the majority of the building back into beneficial use. Given its siting within a conservation area and adjacent to a Grade II Listed building this would be of significant benefit, aiding in the ongoing maintenance and up keep of the building and its repair which in turn helps in maintaining its overall appearance. The use of the building would also help with the Council's and Local Planning Authority's objectives to improve the vitality and viability of the town centre along with its overall regeneration. In addition, Natural Resources Wales (NRW) have not objected to the application. They have also noted that the proposed residential element relates only to the upper floors of the property and as such would be elevated above the flood risk with no change in vulnerability to use at ground floor level.

It is also highlighted that since the submission of this application the DAM has been replaced with the Flood Map for Planning (FMfP) and Technical Advice Note 15 has been updated accordingly. The FMfP also identifies the application site to be at risk of flooding, with part of the site falling within Flood Zones 3 and 2 Rivers. However, part of the rear of the building and the rear yard area fall outside of the flood risk area. It is noted that the replacement TAN15 also seeks to restrict new development in Zone 3. However, it highlights that *"The National Strategy is clear that risk needs to be managed appropriately, and the TAN requires a proportionate response depending upon that risk. It is evident that many communities are located in areas at higher risk from flooding, but these communities must be allowed to adapt, change, and regenerate in the knowledge of what the science is showing"*. Indeed, of particular relevance to this application is paragraph 13.4 which states, *"Higher density and mixed-use developments can offer greater potential for*

resilient design. For instance, ground floor areas may be able to accommodate less vulnerable elements of the development, such as commercial uses, provided that highly vulnerable uses on upper floors have satisfactory access and egress arrangements in the event of flooding". With specific reference to planning application for development in zone 3, paragraphs 10.22 and 10.23 state *"Planning applications in zone 3 require the strongest justification. No new highly vulnerable development on greenfield land should be permitted in zone 3 regardless of the conclusion of any Flood Consequences Assessments...Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level"*. As pointed out above, the development would only introduce highly vulnerable residential use to the first and second floors which is above the level of risk and the use of the building would contribute to the Council's and Local Planning Authority's objectives to improve the vitality and viability of the town centre along with its overall regeneration whilst also having a positive impact on the building itself and conservation area.

It is also noted that a Flood Consequences Assessment (FCA) has been submitted to support the application. This has found the development to be at low risk of fluvial, surface water and sewer flooding and very low risk of tidal flooding, groundwater flooding and artificial flooding. Whilst this document highlights that the residential units would be flood free, it recognises that *"access to the property can be affected by multiple forms of flooding, which are likely to be short term and high velocity due to the nature of the flooding combined with the natural topography of the area"*. It therefore sets out flood alleviation and mitigation recommendation around the stairs and access which include:

- Emergency lighting in the stairwell and externally within the rear of the property to ensure that there is a visibility even in a power outage which is more likely during extreme weather events;
- Anti slip surfacing on the external steps to prevent trips when exiting a wet area;
- Hand railing for all stairwells;
- Signage for escape routes and any designated safe refuge; and
- Emergency contact information displayed by the entrances.

The report also recommends flood resistant design alterations for the existing ground floor units as works to these are proposed this would be outside of the scope of this application.

The FCA also highlights that being located on the upper floors of the building, the flats would provide safe refuge during flooding events, which it notes are likely to have short duration but higher velocities. However, it also details recommendations for an evacuation procedure.

Having regard to the above and weighing up the positive benefits of the redevelopment, it is considered that the risks and consequences of flooding are manageable in this instance and thus it is not considered that this would necessitate the refusal of the application.

Finally, it is acknowledged that this application was submitted prior to the formal introduction of the new TAN15 and Flood Map for Planning and thus was originally being considered under the now superseded TAN15 and DAM maps. It would also have been subject to the Town & Country Planning (Notification) (Wales) Direction 2012 and more specifically Category I relating to Flood Risk Area Development. This noted that where the

local planning authority was minded to grant permission for highly vulnerable development within Zone C2 there was a requirement to refer applications to Welsh Government for the Welsh Ministers consideration. However, The Town and Country Planning (Flood Risk Area Development) (Notification) (Wales) Direction 2025 requires LPAs, when determining applications for planning permission made on or after 31 March 2025, to refer those applications to the Welsh Ministers where they do not propose to refuse planning permission for new highly vulnerable development on previously undeveloped land which is either partly or wholly within the flood risk area in Rivers and Sea - Flood Zone 3 of the flood map for planning. In terms of residential dwellings, including flats there are exemptions that apply to the notification criteria which include the change of use or conversions of non-residential buildings into residential buildings. Whilst this application was made before the 31 March 2025, given that the FCA has been based on the new TAN15 and information from the Flood Map for Planning, it has been considered against these and in line with the 2025 Direction which does not require notification to be undertaken.

Ecology

The application has been accompanied by a Preliminary Roost Assessment and Bat and Nesting Bird Survey. The survey works have found that the main building contains a maternity roost and the rear store building is used as a day roost for soprano pipistrelle bats. The identified roosts and their access points will be retained but given that works would take place in close proximity to the maternity roost there is potential for disruption to the roost and any bats present. Accordingly, a bat development licence will be required from Natural Resources Wales prior to any works commencing on site. A number of measures are proposed in terms of avoidance, mitigation compensation and enhancement for bats which are summarised below:

- Prior to works commencing on site, the installation of a bat box on the eastern elevation of the building to provide compensatory alternative roosting habitats during the works for any bats subsequently displaced. This will then be retained in perpetuity as a form of enhancement;
- Timings of works to commence either during the spring or autumn months to avoid summer roosting and winter hibernation and only taking place when temperatures are above 10 degrees Celsius for four consecutive nights. Works commencing over the winter only to proceed after working methods have been agreed with NRW and as detailed in the licence method statement;
- Site induction and site supervision by a licensed bat ecologist during works to the roof and windows.
- Bat discovery action plan;
- Bat sensitive lighting; and
- A bat box will be installed on the southern elevation of the main building and a hibernation box will be installed on its eastern elevation.

The reports highlight that no evidence of nesting birds was found either internally or externally within the buildings. However, if an active nest is found this will be protected along with an appropriate buffer zone until the nesting is complete and the young have fledged. In addition, bird nesting will be enhanced by the installation of one open and one closed fronted nest box on the northern elevation of the main building.

Whilst the presence of a maternity roost is acknowledged, NRW have considered the submitted information and are satisfied that the development is not likely to be detrimental

to the maintenance of the population of the species concerned provided the measures set out in the submitted report are implemented. In addition, the development would not result in the loss of the roost or removal of access points. Whilst there would be potential for disturbance this must be balanced against the benefits of bring the upper floors of his building back into beneficial use which as well as positively impacting on the vitality of the town centre would also help to ensure the ongoing maintenance and up keep of the building. It is also noted that the Ecology Officer has not raised any objection to the proposal subject to the recommended measures outlined in the report being implemented. Similarly, Natural Resources Wales have not objected to the development subject to the Bat Survey Report being included as an approved document. This will be recommended, and a condition should be imposed to ensure that the enhancements are provided and retained along with an informative reiterating the need for a European Protected Species Licence.

In line with the requirements of chapter 6 of Planning Policy Wales (edition 12), the application has been supported by Green Infrastructure Statements (GIS). This has noted that as the site comprises buildings and hard surfacing it has very low ecological value. In order to provide a net benefit to biodiversity the scheme outlined in the GIS and Landscape, Habitat and Ecology Scheme (LHES) include the provision of a vertical garden and planting in pots within the courtyard area. These will include plant species that are highly valuable for wildlife by providing shelter and foraging opportunity for birds, nectar for pollinators and leaves for invertebrates such as caterpillars. In addition, the LHES details the provision of three insect hotels incorporated into the planting. These documents have been considered by the Local Planning Authority's Ecologist who is satisfied that the development has demonstrate a net benefit to biodiversity and the proposal would therefore comply with the requirements of PPW and LDP Policy EnW1.

Planning Obligations

Policy SW9 relates to Planning Obligations and having regard to development viability, planning obligations will be sought for a financial contribution towards the provision of affordable housing on sites of ten or more homes, where on-site provision is not appropriate. In this instance, given the nature of the development it is considered that onsite provision would not be a viable option. Social landlords are unlikely to take over a unit within a group of flats where they have no other housing to manage and as such a financial contribution is considered to be the most appropriate option.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy Group Leader. In this instance an affordable housing contribution of £41,000 has been agreed with the applicant. This would be secured through a Section 106 Agreement. Payment of this amount would be required prior to occupation of the flats.

Issuance of a planning permission will be contingent upon the completion and signing of a Section 106 Agreement and the latter will only become fully binding when the permission is issued.

SUMMARY

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into

consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Having had regard to the above considerations the development is found to be acceptable. Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED, subject to a section 106 agreement to secure an affordable housing contribution of £41,000 and 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:

Drawing Title: Proposed plan. Floor Plans view, Drawing Number: 2408-C03 Rev. C, Received 26 May 2025.

Drawing Title: Proposed plan. Front, rear, sides & sections view, Drawing Number: 2408-C04 Rev. C, Received 26 May 2025.

Drawing Title: Proposed plan. Green infrastructure assessment, Drawing Number: 2408-C05 Rev. C, Received 26 May 2025.

Preliminary Roost Assessment, Version 2, dated January 2025, produced by Acer Ecology, Received on 31 January 2025.

Bat and Nesting Bird Survey Report V2, dated December 2025, produced by Acer Ecology, Received on 15 December 2025.

Landscape, Habitat and Ecology Scheme V3, dated December 2025, produced by Acer Ecology, Received on 15 December 2025.

Green Infrastructure Statement V3, dated December 2025, produced by Acer Ecology, Received on 15 December 2025.

Flood Consequence Assessment, dated June 2025, Ref: FAC-25035-01, produced by Luta Consultancy, Received on 19 June 2025.

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

3. 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.

4. Prior to the occupation of any flat hereby approved, the parking spaces shall be provided in accordance with the Proposed Plans (drawing no. 2408-C03 Rev. C) for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking spaces and turning area shall be kept available for such purposes at all times in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the occupation of the flats hereby approved, the cycle storage facilities shall be provided in accordance with the approved plans (drawing number. 2408-C03 Rev. C) and shall be retained for such purposes in perpetuity.

Reason - To encourage the use of cycles in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

7. Before the development hereby permitted is brought into use, the windows to the light well serving the bedrooms of flats 4, 5, 10 and 11 shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the windows that are less than 1.7m above the floor of the room in which it is installed shall be non-opening. 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

8. The vertical garden and plant pots shall be provided in accordance with the Landscape, Habitat and Ecology Scheme V3 and drawing number 2408-C05 Rev. C and all associated planting and/or seeding shall be carried out in the first planting and seeding seasons following the occupation of any of the flats or the completion of the development, whichever is the sooner; and any 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 protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. Prior to the occupation of the flats hereby approved, three insect hotels shall be provided in accordance with the Landscape, Habitat and Ecology Scheme V3. These shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The development shall be carried out in accordance with the recommendations set out in section 6 of the Bat and Bird Survey Report. This includes one bat box being installed prior to works commencing on site in accordance with Section 6.2.1. In addition, two further bat boxes shall be installed in accordance with section 6.3.1 and two bird nesting boxes in accordance with section 6.4.2 which shall be provided before any of the flats hereby approved are occupied. These enhancements shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. Prior to the installation of any external lighting, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include:

- The results of an onsite ambient light level survey for use as a baseline
- Details of lighting during construction
- Details of the exact siting and models of all lighting to be used including colour temperature.
- Both lux horizontal and lux vertical illuminance contour plans down to a lux level of 0.2 covering the site and the wider landholding
- Cross referencing of the contour plans with the presence onsite of protected species impacted by artificial light at night
- An environmental lighting impact assessment against conservation requirements for nocturnal and crepuscular species including details of when the lighting will be in operation.
- A lighting plan demonstrating dark zones at the boundaries and across/through the site and demonstrating that the known roosts and wildlife boxes will not be illuminated with dark routes to allow barrier-free access to these.

Lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. 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>

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. The developer's attention is drawn to the comments of Dwr Cymru Welsh Water received during the application process.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 26.01.2026