

DELEGATED REPORT

Application No:	P/24/0284
Site Address:	1 Morlais Buildings High Street Merthyr Tydfil CF47 8UL
Development:	Variation of condition 1 (to extend time period within which to commence development) of planning permission P/19/0314
Case Officer:	Marlene Ferreira
Site Visit:	16th January 2025
Application Expiry Date:	14th February 2025
Consultation reply date expired:	10th January 2025

APPLICATION SITE

This application site relates to a three-storey terraced property, 1 Morlais Buildings, located in the Pontmorlais area of Merthyr Tydfil Town Centre. The building has been altered overtime by unsympathetic alterations, which include the addition of roller shutters to the shopfront and the painting of original decorative features. This combined with the fact that the building is vacant (last used as a restaurant at ground floor and residential above), and has been left unmaintained for some time, has contributed to its untidy and dilapidated appearance.

The application site adjoins the neighbouring three storey attached property, 2 Morlais Buildings to the northeast, a two-storey attached property 88 Pontmorlais to the southwest, Tramroadside to the southeast and Pontmorlais High Street to the northwest.

PROPOSED DEVELOPMENT

This application seeks planning permission to vary condition 1 of planning permission P/19/0314, to extend the time period for the commencement of development and therefore allow for an additional 5 years for the development to start. Essentially, this application seeks to renew the previous permission and therefore proposes to remove the roller shutter and install a new shop front, to include the reinstatement of the chimney stacks and historic detailing, the repair and replacement of windows, as well as the repair of the stonework, brickwork and elevations.

It should be noted that the details/plans of the approved application, P/19/0314, are not proposed to change as a result of this application. Thus, the development still relates to a proposal which reflects the details contained in the last approved application (P/19/0314) and specifically include:

- Repairs to roof tiles (including the lead work to the rear of gable to the front elevation) and erect new ridge tiles;
- Re-instate two brickwork chimneys and pots on the front and rear elevations;
- Install a conservation roof light on the side roof slope, behind the front gable (to provide access for maintenance);
- Erect new decorated hardwood bargeboards;
- Repair and redecorate existing render to flank side elevation;
- Relocate satellite dish from the front to the rear of the property;
- Carry out masonry repair to gable elevation including the stonework to pilasters;
- Repair/renew front second floor sash windows (including repairs to structural central mullion as required);
- Remove paint finish over brickwork and stonework;
- Re-instate stone fascia panel above new first floor windows;
- Erect new front hardwood timber screen (beneath new stone fascia panel) at first floor and install new thin double glazed windows (to include structural repairs as necessary);
- Repair and re-instate missing stone features on pilasters either side of shopfront;
- Install new hardwood shopfront with thin double glazed units (including structural repairs as necessary);
- Install new timber fascia and cornice on the shopfront surround;
- Replace existing windows to the rear elevation with new hardwood framed sliding sash double glazed units;
- New timber door to the rear elevation;
- Repair all stone cills;
- Replace UPVc rainwater goods with cast iron.

PLANNING HISTORY

The following planning history is relevant to this site:

P/24/0283 – Discharge condition 3 (methodology statement for the cleaning of brickwork, stonework and lead work) and 4 (material sample/details) of planning permission P/19/0314 – Approved: 7th February 2025

P/19/0314 – Remove roller shutter and install a new shop front. Reinstall chimney stack and historic detailing. Repair and replace windows, repair stonework, brick wall and rendered elevations – Approved: 15th January 2020

CONSULTATION

Consultations were not carried out under this application.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and two site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Planning Policy

- The advice contained in the Welsh Government Circular (WGC) 016/2014: The Use of Planning Conditions for Development Management (paragraph 5.21) is of particular relevance to the determination of this application.

Local Planning Policies

- The following policies of the Merthyr Tydfil LDP are relevant to the assessment of this application:

Policy SW4 Settlement Boundaries

Policy SW11 Sustainable Design and Placemaking

Policy EnW1 Nature Conservation and Ecosystem Resilience

PLANNING CONSIDERATIONS

The advice contained within WGC 016/2014 (section 5.21) states that renewal applications should only be refused in the following circumstances;

1. There has been a material change in planning circumstances since the previous permission was granted;
2. The continued failure to begin the development will unacceptably contribute to uncertainty about the future pattern of development in the area, or;
3. The application is premature because the permission still has a reasonable time to run.

In this instance, it is considered that the above criteria does not apply to this application. Since the approval of the previous planning permission P/19/0314, the Merthyr Tydfil Replacement Local Development Plan and the policies contained therein has remained unaltered and is still used in the assessment and processing of applications. Thus, the application site still lies within the settlement boundary and within the Pontmorlais Conservation Area and Article 4 Area, and there are no other new site constraints which would determine the application proposal to be unacceptable. Furthermore, it should be noted that the site circumstances are generally the same as they were at that time of granting the previous permission (P/19/0314) and the premises therefore remains vacant and in a poor state of repair. Indeed, the repair, re-instatement and refurbishment works to the building would be welcomed and supported.

It is acknowledged that the site has had planning permission for over five years without development works actually commencing. However, it is considered that the absence of development on the site has not contributed to uncertainty about the future pattern of development in the area. In essence, the areas surrounding the vicinity have historically been developed and hence the pattern of built environment is already well established.

The application was submitted to the Planning Department on the 20th December 2024, just over one month before the expiration of the previous planning permission noted above and as such cannot be said to have been submitted prematurely.

Other Considerations

- Ecology

Any ecological information submitted under the last application, P/19/0314, approved on the 15th January 2020, is over 2 years old and therefore substantially out of date. As such, following consideration of this application by the Council's Ecologist, a Preliminary Roost Assessment (PRA) and a Green Infrastructure Statement (GIS) was requested to be submitted in support of the application. A Bat Survey and Bat Activity report were received on the 9th June 2025. A GIS was received on 1st July 2025.

The Bat Activity report, as a result of the scoping survey, concluded that no bats or their signs were found. It clarifies that during the activity survey, Soprano pipistrelle and Common pipistrelle were foraging and commuting along the road to the north west of the building, but no bats were seen to leave/enter any part of the building. As such, there are currently no bats using the building. Indeed, the report re-iterates that no evidence of bats, nesting birds, or signs of owl activity were discovered.

The Bat Survey report concluded that the property, whilst within relatively close proximity to favourable bat habitat, it has negligible potential to support bats and bats are not currently using any part of the building. It also confirms that there are no trees or hedgerows of ecological value on site that will be affected by the development and therefore no flight corridors will be affected. The report determined that the proposed development will not have a negative impact upon the favourable conservation status of the bat species using the area. The report goes on to recommend enhancement measures in the form of bat and bird boxes, as well as native species planting.

The GIS explains that the site is limited in respect of green infrastructure, however, the proposed mitigation/enhancement measures, comprising of a bat box, bird box and planting (as noted above), as well as an insect block, would provide benefit to wildlife.

The Council's Ecologist has considered the information submitted and has not raised any concerns provided the development is carried out in accordance with the relevant reports. As such, a suitably worded condition would be included with any planning permission granted. Thus, the proposed development would accord with LDP Policy EnW1.

CONCLUSION

For the reasons detailed above, the variation of condition 1 of planning permission P/19/0314, is therefore considered acceptable.

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.

RECOMMENDATION: 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 Elevations and Plan 10647-05 PL003, received: 20th December 2024;
- Proposed Shopfront Elevation 10647-05 PL004, received: 20th December 2024;
- Bat Survey Report, received: 6th June 2025;
- Bat Activity Survey, received: 6th June 2025;
- Green Infrastructure Statement, received: 1st July 2025.

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

INFORMATIVES

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

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

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

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

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

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of

the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

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

G. Davies

RECOMMENDATION ENDORSED

Director of Neighbourhood Services

DATE: 24th July 2025