

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Cathrine Jones c/o Mr Steven George George and Co Studio 01 Crownford House Swan Street Merthyr Tydfil CF47 8EU

WHEREAS you submitted an application on the 27th November 2023 to develop: Theatre Royal and Thespian House Park Place Penydarren Road Merthyr Tydfil CF47 0LJ short particulars of the application being as follows:-

Name of the Applicant

Cathrine Jones
Theatre Royal And Thespian House
Park Place
Penydarren Road
Merthyr Tydfil

Description of Proposed Development

Change of use to Cafe/Yoga Studio (Full)

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 22nd July 2025

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

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.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.