

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING PERMITTED DEVELOPMENT ORDER 1995
PERMISSION FOR DEVELOPMENT

To: Granthester Properties (Merthyr Tydfil) Ltd, c/o White Young Green (Planning Consultants), Strandbridge House, 138-142 Strand, London

WHEREAS you did on the 24th day of October 2003
make application in writing for permission to develop site of former Oldway Commercial Estate, **SWANSEA ROAD**
short particulars of the application being as follows:-

Name of the Applicant	Description of Proposed Development
Granthester Properties (Merthyr Tydfil) Ltd c/o White Young Green (Planning Consultants) Strandbridge House 138-142 Strand London (FULL)	Amendment to condition 1 on planning permission P/02/0514 relating to the substitution of approved drawings no's sp 1066(05), 202A, 203, 206 and 207 for Unit 9

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL as the Local Planning authority hereby **PERMIT** the proposed development to be carried out in accordance with the plans submitted with the said Application, subject to the development being begun on a date which is not later than **five years** from the date of this permission and subject to compliance with the condition(s) specified below:

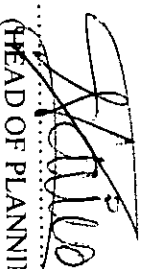
CONDITIONS

SEE ATTACHED SHEET

THE REASONS for the Council decision to impose the conditions herein before specified are:-

SEE ATTACHED SHEET

Date: **28 NOV 2003**

Signed: 
(HEAD OF PLANNING)

(Please See Note on Back)

CONDITIONS

1. This permission shall relate to the development as indicated on Drawing No's SP 1066 (05) 200, 201, 202 Revision B, 203 Revision A, 204, 205, 206 Revision B, 207 Revision A, 208, 209, 210, 211, 212, 213, 214, and 215 and the conditions noted below.
2. Notwithstanding any details indicated on the approved plans details and/or samples of all materials to be used on the elevation finishes of the proposed buildings, the surfacing of all external areas, and the street furniture within the application site boundary shall be submitted to and approved in writing by the Local Planning Authority **BEFORE** works commence on site. All works shall be completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use.
3. The first floor of Unit 1 and Units 2 to 6 and 10 (video hire unit), as shown on the approved layout plan (Drawing No Sp1066(05)202 Revision B) shall be used for the sale of non-food goods only and for no other purpose in Class A1 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) nor in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
4. The ground floor of Unit 1 as shown on the approved layout plan (Drawing No SP 1066(05) 202 Revision B) shall be used for health and fitness purposes only, and for no other purpose within Class D2 of the schedule to The Town Country Planning (Use Classes) Order 1987 (as amended) nor in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
5. Units 7, 8 and 9 (with its associated covered builders yard and garden centre) as shown on the approved layout plan (Drawing No SP 1066(05) 202 Revision B) shall be used for the sale of bulky, non-food goods only, namely furniture, DIY (including building materials and garden centre products), carpets and other floor coverings, electrical goods, motor accessories and cycles.
6. No mezzanine floors installed within the units hereby approved shall be used for retail sales purposes.
7. Unless otherwise permitted by virtue of the current planning application, none of the retail units hereby approved shall be subdivided so that the gross retail floorspace of a single user/unit is less than 1,858 sq. m (20,000sq. ft.)
8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, Unit A, B and C, as indicated on the approved site layout plan (Drawing No Sp 1066(05) 202 Revision B), shall only be used for purposes falling within Class A3 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), nor in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order.
9. None of the units hereby approved shall be brought into beneficial use until all the highway improvement works as outlined on the approved site layout plan (Drawing No SP 1066(05) 202 Revision B) are implemented in full accordance with such full construction details as may be submitted to and approved in writing by The Local Planning Authority **BEFORE** works commence on site.



CONDITIONS CONTINUED

10. **BEFORE** any works commence on site full constructional, and finishing details of all the roads, parking areas, service roads and service yards, with associated lighting, drainage and street furniture details proposed within the approved retail park(s) shall be submitted for the approval of The Local Planning Authority. All such details as may be approved shall be completed in full **BEFORE** any of the development hereby approved is brought into use, or in accordance with a phased programme to be approved in writing by The Local Planning Authority **BEFORE** works commence on site.
11. **BEFORE** works commence on site a comprehensive and integrated drainage scheme for the site indicating how foul, surface water and land drainage shall be dealt with shall be submitted for the approval of the Local Planning Authority. All such works as may be subsequently approved shall be implemented in full **BEFORE** the development hereby approved is brought into use or in accordance with a phased programme to be approved in writing by The Local Planning **BEFORE** works commence on site.
12. No development approved by this permission shall commence until a detailed method statement describing the works to be undertaken and the details of any necessary pollution prevention measures during the construction phase are submitted, approved and implemented to the approval of the Local Planning Authority.
13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases on surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed downwards into the bund.
14. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor and trapped gullies, designed and constructed to have capacities and details with the site being drained. Roof water shall not pass through the interceptor.
15. No development approved by this permission shall be connected until a scheme for the provision and implementation of a surface regulation system has been submitted to and approved in writing by The Local Planning Authority. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.
16. No construction works shall be undertaken outside the following times: 0700-1900, Monday – Friday, 0800-1700 hours Saturday, nor at any time on Sundays/Public Holidays.
17. The rating level of noise emitted from any fixed plant shall not exceed the existing background noise level by more than 0dB(A) at the nearest noise sensitive locations.
18. No deliveries shall be taken nor despatched from the service yard of Unit Nine and its associated covered builders yard and garden centre outside the following times: 0700-2300 hrs on any day (unless otherwise agreed in writing by The Local Planning Authority).



CONDITIONS CONTINUED

19. Notwithstanding the details indicated on submitted Drawing No. 020301/GA/PL/218, nor indicated on approved or supporting application documents, no development shall take place until there has been submitted to the Local Planning Authority a scheme of landscaping for the site. Such a scheme shall indicate all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Such details shall be accompanied by a schedule of landscape maintenance for a minimum period of five years.
20. The landscaping scheme as approved pursuant to Condition No 19 shall be carried out in the first planting season following the first occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants within a period of five 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 other of similar size and species unless The Local Planning Authority gives written consent to any variation.

BEFORE works commence on site in relation to the development hereby approved full details of the position height and type of all boundary enclosures and/or barriers, and any required fencing works within the site, (including the acoustic screen fencing) shall be submitted for the approval of the Local Planning Authority. Such enclosure/fencing works as may be approved shall be provided in full accordance with such details as may be approved **BEFORE** the development is brought into use.
22. Notwithstanding the provisions of The Town and County Planning (Control of Advertisements) Regulations 1992, all signage on the retail units shall be limited to those signage zones identified on the approved Site Section A-C, D-F plans (Drawing No's SP 1066 (05) 203 Revision A; 204.
23. **BEFORE** the commencement of any site clearance or pre-construction works a detailed reptile survey of the site and a bat check of the existing warehouse building shall be undertaken by the applicant in accordance with a method statement to be agreed in writing by The Local Planning Authority. Any mitigation measures (including translocation) that may be deemed necessary by the Local Planning Authority as a result of such surveys shall be undertaken in full accordance with details to be submitted and approved by The Local Planning Authority and completed prior to the commencement of any site clearance or pre-construction works.
24. **BEFORE** construction works commence on site details of any retaining walls or structures required as a result of any "cutting" or "filling" works, including structural calculations and details of facing materials shall be submitted to and approved in writing by The Local Planning Authority. Such works as may be approved shall be implemented in full accordance with the approved specification **BEFORE** the development to which it relates is brought into use.
25. Prior to the commencement of works on site a scheme shall be submitted to the Local Planning Authority showing a method of wheel cleaning of vehicles leaving the site. The wheel cleaning apparatus shall be operational at all times when vehicles are using the site and shall remain in place until such time as the proposal is completed or it is confirmed by the Local Planning Authority in writing that no such apparatus is required, whichever is the sooner.
26. Such visibility splays as may be approved in writing by the Local Planning Authority shall be created at all vehicular access/egress points to the public highway **BEFORE** the development hereby approved is brought into use. These splays shall be kept free of any structure or vegetation exceeding 0.9m in height at all times.



CONDITIONS CONTINUED

27. Notwithstanding any details indicated on the approved plans full details of all proposed slab/floor and road levels relating to the development shall be submitted to and approved in writing by the Local Planning Authority **BEFORE** works commence on site. All works subsequently undertaken shall be in full accordance with such details as may be approved.

REASONS

1. To clearly define the scope of this permission.
2. In the interest of visual amenity, to ensure a high standard of co-ordinated development.
- 3-8 To protect the viability and vitality of Merthyr Tydfil and other town centres within the defined Primary Catchment Area as considered relative to the Retail Impact Assessment which accompanied this application.
9. To safeguard highway interests and ensure a satisfactory form of development.
10. To protect highway interests and to ensure that parking and servicing needs of the development are adequately met at all times.
11. To ensure the development meets current drainage standards and does not prejudice existing drainage provision in the area.
- 12-15. To prevent pollution of the water environment.
- 16-18. To protect the residential amenities of nearby residents.
- 19-20. To ensure the site is landscaped in such a manner as to contribute to the landscape quality of the area having particular regard to its prominent location on the gateway to the town alongside the strategic highway.
21. In the interest of the visual amenities of the area and the residential amenities of residents in the area.
22. To protect the visual amenities of the area, to ensure a co-ordinated approach to advertising and to ensure the maintenance of the high standard of development which is hereby approved.
23. To safeguard and protect any species which warrant consideration relevant to the Council's approved Biodiversity Action Plan.
24. To protect the structural stability and visual appearance of any necessary structures.
- 25&26. To safeguard highway interests.
27. In the interest of visual amenities of the area.



INFORMATIVES

1. The applicant/developer is advised that part of the site is the subject of a restriction in terms of its permitted use as detailed in Section 4.5 of the planning report to the Planning & Regulatory Committee. This matter is viewed as a Legal issue which will have to be addressed by the developer in conjunction with the Legal/Planning departments of the Council.
2. The applicant/developer is advised to liaise with The Environment Agency, and Hyder Consulting (as agents to Welsh Water) in relation to the requirements of Conditions 11-15.
3. MTCBC as the relevant Highway Authority will require the applicant/developer to enter a legally binding agreement to secure proper implementation of the proposed highway works including the payment of an appropriate bond.
4. The legal bridleway Park No 1 abutting the site shall be protected at all times.

If any statutory protected species are identified on the site as a result of the surveys required by Condition 23 the applicant would be required to inform The Countryside Council for Wales immediately and would be required to comply with all relevant legislation by seeking appropriate licenses.
6. In its preparation of details as required by Condition No's 10 and 21 the applicant/developer is required to give due regard to the advice contained in the consultation response from The South Wales Police Authority dated 21st January 2003.
7. The details prepared as required by Condition No 12 shall give due regard to the need to establish if any petrol filling station tanks are evident in the north west corner of the site and any remedial measures which may be required to deal with this issue.
8. The applicant/developer is advised to liaise with Hyder Consulting Ltd/Welsh Water regarding water supply to the site. They have advised that water supply can be made available to serve the proposed development but the developer may be required to contribute (under Sections 40-41) of the Water Industry Act 1991) towards the provision of new off-site and/or on-site water mains.
9. The applicant/developer is advised of the need to undertake a full ground investigation survey prior to commencing works.

