

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: Merthyr Tydfil Housing Association c/o DPP Planning F.a.o. Osian Roberts Sophia House
28 Cathedral Road Cardiff

WHEREAS you submitted an application on the 24th December 2018 to develop: Citizens Advice Bureau Site, Adjacent Garage And 24 And 25 Lower Thomas Street Merthyr Tydfil CF47 0BY short particulars of the application being as follows:-

Name of the Applicant

Merthyr Tydfil Housing Association
C/o Agent

Description of Proposed Development

Demolish Citizens Advice Bureau buildings (including garage) and construct a two storey development of 5 flats with associated engineering works, and change of use of ground floor of 24 and 25 Lower Thomas Street from offices (B1) to flats (C3) (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: 26th July 2019

Signed:


(Head of Town Planning)

**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:

- Drawing A100, Revision C, received 15th February 2019;
- Drawing A101, Revision C, received 15th February 2019;
- Drawing A102, Revision F, received 15th February 2019;
- Drawing A103, Revision C, received 15th February 2019;
- Drawing A104, Revision C, received 15th February 2019;
- Drawing A105, Revision C, received 15th February 2019;
- Drawing A107, Revision C, received 15th February 2019;
- Drawing A108, Revision D, received 15th February 2019;
- Drawing A109, Revision C, received 15th February 2019;
- Drawing A110, Revision D, received 15th February 2019;
- Drawing A111, Revision D, received 15th February 2019;
- Drawing A112, Revision D, received 15th February 2019;
- Drawing A113, Revision C, received 15th February 2019;
- Drawing A114, Revision C, received 15th February 2019;
- Drawing A115, Revision C, received 15th February 2019;
- Bat and Nesting Bird Survey Report by Acer Ecology, received: 23rd July 2019.

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

- 3 The proposed residential units hereby approved shall only be used for affordable housing purposes in accordance with the definition of affordable housing as set out in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The residential units shall be affordable for both the first and subsequent occupiers.

Reason - To ensure the residential properties are only used for affordable housing.

- 4 **Prior to the commencement of development** details/samples of the materials to be used in the construction of the external surfaces of the development (including windows and doors) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the conservation area and adjoining buildings in the interests of visual amenity and to accord with Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan.

Condition 4 discharged on 4th May 2020 - Application no: P/20/0051

- 5 **Prior to the commencement of development** details of a scheme for the disposal of foul and surface water to serve the proposed new build flats, to incorporate SUDS principles, shall be submitted and agreed in writing by the local planning authority. The scheme shall

be implemented in accordance with the approved details prior to the occupation of the building and retained in perpetuity.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

Condition 5 discharged on 4th May 2020 - Application no: P/20/0051

- 6 Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 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 Policy BW7 of the Merthyr Tydfil Local Development Plan.

- 7 **Prior to the commencement of development** a plan indicating the positions, height, design, materials and type of boundary treatments to be erected, to include the external stairs to the proposed lower courtyard, shall be submitted to and approved by the local planning authority. The boundary treatments, including the staircase, shall be completed as approved before the occupation of any flat.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

Condition 7 discharged on 4th May 2020 - Application no: P/20/0051

- 8 **No development shall take place until a site investigation has been carried out** in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

Condition 8 discharged on 22nd November 2021 - Application no: P/21/0379

- 9 If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 8;, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

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>

NOTES

Your attention is drawn to the following:-

Appeals to the Welsh Government:

- 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 Welsh Government 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 The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use the Planning Inspectorate website (<https:acp.planninginspectorate.gov.uk>) to complete your appeal.
- The Welsh Government 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 Welsh Government 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 Welsh Government 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 the Welsh Government 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.

