

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: Mr Eddie Delaney c/o Lapider F.a.o. Mr M Newton 41 High Street Penarth Vale Of Glamorgan CF64 1EY

WHEREAS you submitted an application on the 1st May 2020 to develop: Jah Jireh Care Home Heads Of The Valleys Road Merthyr Tydfil CF44 0LX short particulars of the application being as follows:-

Name of the Applicant

Mr Eddie Delaney
317 Lytham Road
Warton
Preston
PR4 1TE

Description of Proposed Development

Variation of condition 1 attached to planning permission P/15/0105 (for the erection of a two storey building providing 17 two bedroom sheltered accommodation flats) to allow a further 5 years in which to commence development) (Removal of Condition)

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: 2nd February 2022

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 Title: Proposed Elevations, Drawing Number: 231/105, Received on 1 May 2020

Drawing Title: Proposed Floor Plans Layout, Drawing Number: 231/106, Received on 1 May 2020

Drawing Title: Proposed Drainage Layout, Drawing Number: 231/110, Received on 1 May 2020

Drawing Title: Proposed Elevation and Cross Section, Drawing Number: 231/115, Received on 1 May 2020

Drawing Title: Soft Landscape Plan, Drawing Number: 2023 - 001 Revision B, Amended Plan Received on 22 November 2021

Ecological Impact Assessment Revision 4.0, dated 17 December 2021, prepared by Acer Ecology and submitted on 4 January 2022

Reptile Survey Revision 2.0, dated 30 November 2020, prepared by Acer Ecology and submitted on 7 December 2020

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

- 3 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building; 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 area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 The building shall be used as units of sheltered accommodation in conjunction with Jah Jireh care home, and for no other purpose (including any other purpose in class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - The development of flats in this location is contrary to Policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 The car parking area serving the Jah Jireh Care Home and the sheltered accommodation building hereby approved shall be de-marked and ready for use in accordance with the details indicated on the approved plans BEFORE the building hereby approved is brought into beneficial use, and shall be retained as such at all times thereafter.

Reason - To ensure the parking requirements of the development are adequately met at all times.

- 6 **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

- 7 **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.

- 8 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 7, 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.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping (drawing number: 2023-0001) 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 to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 10 Prior to its installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:
- Details of the siting and type of lighting to be used.
 - Drawings setting out light spillage.

The 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.

- 11 **No development shall take place** until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 12 **No development shall take place**, or any demolition works or site clearance, until a method statement and management plan dealing with the onsite Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

- 13 In accordance with the recommendations of the Ecological Impact Assessment **prior to the beneficial use of the building**, details of the bat and bird boxes and their exact siting shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be provided in accordance with the approved details **prior to the beneficial use of the building** and shall remain in perpetuity thereafter.

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

- 14 In accordance with the recommendations of the Ecological Impact Assessment **prior to the commencement of works**, details relating to the wildlife friendly pond shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details **prior to the beneficial use of the building**. The pond shall remain 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.

- 15 **No development shall commence** until details of existing ground levels and proposed finished ground and floor levels (including relevant sections) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To protect residential and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Dwr Cymru Welsh Water have indicated that a water supply can be made available to serve this proposed development. 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 watermains and associated infrastructure.
2. The developer is advised that the proposed development is crossed by a 4" and 10" trunk/distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access their apparatus at all times and they should be contacted regarding their conditions for development near watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
3. The applicant is advised to seek appropriate advice from Natural Resources Wales regarding the proposed drainage disposal and or the Building Regulations Authority or an Approved Inspector, depending on which type of drainage is proposed.

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.