

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 R Chatwin c/o Mr Steve Groucott Skerryvore Designs Sextons Tower 2 Caerphilly Road
Bassaleg

WHEREAS you submitted an application on the 16th December 2022 to develop: Brynhyfryd Chapel
Thomas Street Treharris short particulars of the application being as follows:-

Name of the Applicant

Mr R Chatwin
Ty Fferm
Rhyd y Gwern lane
CF83 8UH
United Kingdom

Description of Proposed Development

Conversion of chapel into 8 flats with associated
refurbishment works, demolition of rear vestry annexe and
creation of dedicated car parking area. (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: 21st November 2023

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:

- Location and Block Plan (Drawing no. SD481 02)
- Proposed Layouts (Drawing no. SD481 05C)
- Proposed Elevations (Drawing no. SD481 06B)
- Bat Survey Version, 2.0. Date, April 2023. Ecological Services Ltd.
- Bat and Nesting Bird Friendly Working Methodology, Version 2.0. Date, April 2023. Ecological Services Ltd.

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

- 3 **No works to which this consent relates 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 and to comply policy CW1 of Merthyr Tydfil Replacement Local Development Plan.

- 4 **No building or use hereby permitted shall be occupied** until the parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. The parking area must be properly consolidated and surfaced (not loose stone, gravel or grasscrete) in accordance with details to be submitted and approved by the local planning authority and subsequently always maintained in accordance with the approved details for the lifetime of the development.

Reason - To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard and to protect the character and appearance of the conservation area in compliance with policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 5 **No building or use hereby permitted shall be occupied** until the windows[s] on the north (lower side) elevation have been fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority, and any part of the window[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. 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 Replacement Local Development Plan.

- 6 **No building or use hereby permitted shall be occupied** until a plan indicating the position, height, design, materials and type of boundary treatment to be erected has been submitted to and approved by the local planning authority. The boundary treatment shall be completed and retained in accordance with the approved details and must take account of Section 10 'Proposed Mitigation' of Bat Survey Version, 2.0. Date, April 2023. Ecological Services Ltd.

Reason - To ensure that the new development will be visually attractive and in the interests of amenity in accordance with policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

- 7 **No building or use hereby permitted shall be occupied** until the proposed ecological mitigation for bats and birds as detailed in Section 10 'Proposed Mitigation' of Bat Survey Version, 2.0. Date, April 2023. Ecological Services Ltd, and as shown on the approved drawings, has been fully implemented.

Reason - To protect the natural environment in accordance with Policies EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 8 The stone pillars, railings and gates to the front of the chapel shall be retained at all times.

Reason In the interest of visual amenity and to protect the architectural integrity of the building which is important in the conservation area in compliance with policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 9 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in compliance with policy SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 10 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 - In the interests of local amenity and to avoid statutory nuisance and in compliance with policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

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.

3. The archaeological work required by condition 3 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. Please refer to the letter from GGAT dated 24 January 2023 for further information.

4. DCWW ASSET PROTECTION

The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record attached to the consultation response from DCWW dated 09/01/2023. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

5. DCWW Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. DCWW POTABLE WATER SUPPLY

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. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address contained in the DCWW consultation response to this application.

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.