

**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: Ibo Vural c/o Mr Steven George George And Co Studio 01 Crownford House Swan Street

**WHEREAS** you submitted an application on the 26th June 2024 to develop: 104 Bar 104 High Street Merthyr Tydfil CF47 8AP short particulars of the application being as follows:-

**Name of the Applicant**

Ibo Vural  
104 Bar  
104 High Street  
Merthyr Tydfil  
CF47 8AP

**Description of Proposed Development**

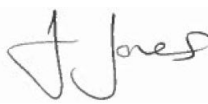
Change of use of first, second and third floor bar/restaurant to four new flats with access from street level (Full)

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:** 13th August 2024

**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:

- Drawing Title: Proposed Site Plan, Drawing Number: 1007.10 Rev. A, Received on 26 June 2024

- Drawing Title: Proposed Ground and First Floor, Drawing Number: 1007.05 Rev. B, Received on 26 June 2024

- Drawing Title: Proposed Second and Third Floor, Drawing Number: 1007.06 Rev. B, Received on 26 June 2024

- Drawing Title: Proposed Section A-A, Drawing Number: 1007.07 Rev. B, Received on 26 June 2024

- Drawing Title: Proposed Section B-B and C-C, Drawing Number: 1007.09 Rev. B, Received on 26 June 2024

- Drawing Title: Proposed Elevations, Drawing Number: 1007.08 Rev. B, Received on 26 June 2024

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

- 3 **BEFORE WORKS COMMENCE ON SITE** full details of top hung casement windows to be provided in proposed internal courtyard shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design and opening function of the window frames. The details of the window's glazing shall be to opaque Level 5. The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

**Reason** - To ensure that a level of privacy commensurate with the residential use of the development is achieved in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 **BEFORE WORKS COMMENCE ON SITE** a method statement for the opening up of the windows in the principal elevation (facing the High Street) shall be submitted to and approved by in writing by the local planning authority. The method statement shall set out the method to remove the window coverings, works to restore the windows to working order, details of the design and materials for any replacement window/window frame and measures to be taken to secure and protect the stone mullion and transoms from accidental loss or damage. The works shall thereafter be carried out in accordance with the approved method statement.

**Reason** - To ensure the development retains the architectural details and maintains its contribution to the Merthyr Town Conservation Area in accordance with Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

**Reason** - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 6 At no time the internal courtyard shown on approved plan 'Proposed Site Plan, Drawing Number: 1007.10 Rev. A, Received on 26 June 2024', shall be used as a space ancillary to the residential use of the property or for the enjoyment of any other person(s). Access to the internal courtyard shall be only for reasons of maintenance.

**Reason** - To ensure that a level of privacy commensurate with the residential use of the development is achieved in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council 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 application site is located within a defined flood risk area. The developer/applicant is advised to review the comments/advice received from Natural Resources Wales (NRW) during the application process.
4. It is noted that the ground floor and below will continue to be used as a bar and restaurant. The applicant shall ensure that any extraction/ventilation system does not cause a public nuisance.

## 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](http://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.**