

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 Kristian Davies c/o Mr Paul Thomas Utopia Design 5 Amberton Place Penydarren
Merthyr Tydfil CF47 9HX

WHEREAS you submitted an application on the 30th January 2024 to develop: La Bodega 1 Pant Road
Dowlais Merthyr Tydfil CF48 3SH short particulars of the application being as follows:-

Name of the Applicant

Mr Kristian Davies
Fernhill Farm
Pontsarn Road
Merthyr Tydfil
CF48 2TN

Description of Proposed Development

Demolition of existing rear extension and conversion of
existing building into 4 self contained flats (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: 15th January 2025

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

- 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 Plans, Elevations & Sections, Drawing Number: LA BODEGA FULL 02B, Amended Plan Received 17 October 2024

Drawing Title: Existing & Proposed Plans, Drawing Number: 0016 LA BODEGA FULL 06A, Amended Plan Received 7 December 2025

A Supplementary Ecological Survey Report dated August 2024, produced by Morgan Ecology, received 28 August 2024.

An Ecological Survey Report (Revision 1) dated January 2025 produced by Morgan Ecology, received 7 January 2025.

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

- 3 The flats hereby approved shall not be occupied until the parking spaces have been laid out within the site in accordance with Drawing No. 0016 LA BODEGA FULL 06A. The parking spaces shall thereafter remain available for the parking of vehicles at all times in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 The flats hereby approved shall not be occupied until details of the required vehicular footway crossover have first been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to beneficial occupation of the flats.

Reason - To ensure the adequacy of the proposed footway and vehicular crossovers, in the interests of highway safety and the free flow of traffic in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system.

Reason - In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy EW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 6 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 accordance with Policy EW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 7 **BEFORE** any of the flats hereby approved are occupied, bat and bird boxes shall be installed in accordance with the Ecological Survey Report (Revision 1) and drawing number 02B. The bat and bird boxes box shall be retained 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.

- 8 **Prior to the occupation of the flats hereby approved** a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the flats 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.

- 9 **Prior to the installation of any external lighting**, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning. External 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.

- 10 **Prior to the occupation of the flats hereby approved** a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the flats are occupied.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 11 **Prior to the construction of any hard surfaced areas or landscaping works**, a Japanese Knotweed strategy shall be submitted to an approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved strategy.

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

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website: <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. 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.

3. 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.

4. The development site is crossed by a public sewer. No operational development shall be carried out within 3 metres either side of the centreline of the public sewer. As such contact is strongly advised with Dwr Cymru Welsh Water prior to works commencing on site.
5. The developers attention is drawn to the comments received from Dwr Cymru Welsh Water during the application process which are available to view using the planning search on the MTCBC website.
6. The developers attention is drawn to the comments received from South Wales Fire and Rescue during the application process which are available to view using the planning search on the MTCBC website.

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.