

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: St Tydfil's Developments LLP c/o Amity Planning F.a.o. Mr J Wilks Suite 103 Creative
Quarter Cardiff

WHEREAS you submitted an application on the 21st August 2020 to develop: Former St Tydfils Hospital
Upper Thomas Street Merthyr Tydfil CF47 0SJ short particulars of the application being as follows:-

Name of the Applicant

St Tydfil's Developments LLP
C/O Agent

Description of Proposed Development

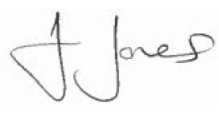
Residential development consisting of the conversion and extension to a listed building to create 7 apartments and a dwelling, construction of 62 dwellings (including 31 affordable units), the demolition of existing buildings, landscaping, re-profiling of land, alterations to the existing access and other associated works (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: 17th December 2020

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:

Proposed Site Layout 2447-00(03)101 Rev D
Proposed Materials Plan 2447-00(03)102
Site Sections & Street Scenes 2447-00(03)401 Rev B
Site Sections and Street Scenes 01 - 2447-00(03)401-1 (October 2020)
Site Sections and Street Scenes 02 - 2447-00(03)401-2 (October 2020)
Typical Bird & Bat Box Locations - 2447-(03)312 (October 2020)
Proposed Southern Boundary Wall 2447-00(03)402
Existing Front Boundary Wall Demolishing Extent Plan 2447-00(03)403
House Type B Plans & Elevations 2447-(03)201 Rev A
House Type C Plans & Elevations 2447-(03)202 Rev A
House Type D Plans & Elevations 2447-(03)203 Rev A
House Type D Plans & Elevations (Handed) 2447-(03)217
House Type C+D Plans and Elevations 2477-(03)212
House Type E Plans & Elevations 2447-(03)204 Rev A
House Type E Plans & Elevations (Handed) 2447-(03)218
House Type F Plans & Elevations 2447-(03)205 Rev C
House Type F Plans & Elevations (Handed) 2447-(03)219 Rev A
House Type F Semi Plans 2447-(03)214-1
House Type F Semi Elevations 2447-(03)214-2 Rev A
House Type G1 Plans & Elevations 2447-(03)213
House Type G1 + G2 Plans & Elevations 2447-(03)206 Rev A
House Type H Plans & Elevations 2447-(03)207 Rev A
House Type H Terrace Plans (Plots 68 to 70) 2447-(03)215-1
House Type H Terrace Elevations (Plots 68 to 70) 2447-(03)215-2 Rev A
House Type H Terrace Plans (Plots 42 to 44) 2447-(03)216-1
House Type H Terrace Elevations (Plots 42 to 44) 2447-(03)216-2 Rev A
House Type J Plans & Elevations 2447-(03)208 Rev A
House Type K Plans & Elevations 2447-(03)209 Rev A
House Type B Terrace Elevations 2447-(03)211
Listed Building Conversion Ground Floor Plans 2447-(03)210-1 Rev C
Listed Building Conversion First Floor Plans 2447-(03)210-2 Rev D
Listed Building Conversion Second Floor Plans 2447-(03)210-3 Rev D
Listed Building Ex & Proposed Roof Plans 2447-(03)210-4

Listed Building Conversion West (Front) Elevation 2447-(03)310-1 Rev B
Listed Building Conversion South Elevation 2447-(03)310-2 Rev A
Listed Building Conversion East (Rear) Elevation 2447-(03)310-3 Rev B
Listed Building Conversion North Elevation to Park 2447-(03)310-4 Rev B
Engineering Levels Plan 2447-505 Rev A
Green Infrastructure Plan LA.100B (11 November 2020)
Landscape Planting 1 of 2 LA.101B (11 November 2020)
Landscape Planting 2 of 2 LA.102B (11 November 2020)
TPO Trees/Trees to be Removed LA.103B (11 November 2020)
Landscape and Ecological Management Plan LEMP.200B (11 November 2020)
Swept Path Assessment - 2447-650-1 Rev.A
Swept Path Assessment - 2447-650-2 Rev.A

Heritage Impact Assessment (K Metcalfe Heritage) July 2020 Rev E
Transport Assessment (Capita) - July 2020
A Phase 1 Geo-Environmental Assessment (IDOM) - August 2020
Tree Survey (Treescene) - March 2020
Air Quality Assessment (GL Hearn) August 2020
Preliminary Ecological Assessment (Barry Stewart & Associates) 29th July 2019
Reptile Mitigation Strategy (David Clements Ecology Ltd) - October 2020 v1.1
Bat Survey Report (David Clements Ecology Ltd) - October 2020 v2.2

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

- 3 The proposed residential units (highlighted 'Social Rent' on approved drawing 2447-00(03)101 Rev D) 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 in accordance with Policy SW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 4 Prior to the occupation of the 30th residential unit, the listed building (and approved extension thereto) shall be completed in accordance with the plans hereby approved.

Reason - To enhance the architectural quality of the historic asset and to create good quality townscape in accordance with Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 5 Prior to the occupation of the 35th residential unit, the biodiversity reserve (and embankment thereto) shown on drawing 2447-00(03)101 Rev D shall be completed in accordance with the approved Landscape and Ecological Management Plan (LEMP.200 dated 11 November 2020). The completed scheme shall be managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan (LEMP.200 dated 11 November 2020).

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.

- 6 Prior to the commencement of development of the biodiversity reserve (and embankment thereto), details of the bat cool tower shall be submitted to and approved in writing by the local planning authority. The bat cool tower shall be constructed in accordance with the approved details before the biodiversity reserve is completed.

Reason - In the interests of biodiversity in accordance with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 6 discharged on 11.02.22 App No. P/22/0009

- 7 All planting and seeding comprised in the approved details of landscaping (Landscape Planting 1 of 2 LA.101B - 11th November 2020 and 2 of 2 LA.102B - 11th November 2020 and TPO trees/trees to be removed LA.103B - 11th November 2020) shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of development become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The completed scheme shall be managed and maintained in accordance with the approved details.

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.

- 8 **Prior to the commencement of any residential unit**, a sample of the external walling materials (Pennant stone, render and clay brick) together with details of the coursing and pointing to be used shall be submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The development shall be completed in accordance with the approved materials.

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.

- 9 **Prior to the commencement of any residential unit**, hereby approved, samples of the roofing slate to be used in the construction of the properties 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.

- 10 **Prior to the commencement of any residential unit**, hereby approved, details (elevation and materials) of the front garden boundary enclosures (steel railings on reclaimed stone

dwarf wall) 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.

- 11 **Prior to the commencement of any residential unit** full details (elevation and materials) of the boundary treatment to the front access (as indicated on drawing 2447-00(03)403)) shall be submitted to and approved in writing by Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason - To conserve and enhance the character and appearance of the conservation area in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 12 **Prior to the commencement of development**, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) All previous uses
- (b) Potential contaminants associated with those uses
- (c) A conceptual model of the site indicating sources, pathways and receptors
- (d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the site investigation results and the detailed risk assessment (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out in accordance with the approved details.

Reason - In the interests of public health and to protect the controlled waters in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 12 discharged on 26.7.21 under application P/21/0201.

- 13 **Prior to occupation of any residential unit**, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason - In the interests of public health and to protect the controlled waters in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - In the interests of public health and to protect the controlled waters in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 15 **No development shall commence** until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason - In the interests of public health and to protect the ground waters in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 16 Before the occupation of plot 15 (as indicated on drawing No. 2447-00(03)101 Rev D) the window in the first floor side elevation shall be fitted with obscure glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window 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 County Borough Council Replacement Local Development Plan.

- 17 Prior to its installation, full details of street 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.

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.

- 18 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 - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 19 **No development shall commence**, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays;
- v) wheel washing facilities; and
- vi) measures to control the emission of dust and dirt during demolition and construction.
- vii) External lighting

Reason - In the interest of residential, visual amenity, highway safety and biodiversity in accordance with Policies SW11, EnW4 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 20 **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 Merthyr Tydfil County Borough Council Replacement Local Development Plan.

- 21 Notwithstanding the provisions of schedule 2, part 1, class b of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no roof extensions shall be erected other than those expressly authorised by this permission.

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

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls (other than those hereby permitted) shall be erected within the curtilage of any dwelling house forward of the principle elevation or side elevation adjoining a highway of that dwelling house.

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

- 23 **No works to which this permission 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 - To preserve the buildings by record in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 23 Discharged on 9/7/21 under application P/21/0238.

- 24 **No development shall take place** until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Condition 24 Discharged on 9/7/21 under application P/21/0238.

- 25 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

INFORMATIVES

1. Works must not start on the conversion of the listed building until listed building consent has first been granted and any relevant pre-commencement conditions attached to the consent discharged.
2. 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 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 (NRW) on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/european-protected-species-licensing/information-on-european-protectedspecies-licensing/?lang=en>.

3. The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed operations are clear. If in doubt, NRW should be contacted for advice at an early stage to avoid any delays.

NRW recommend that developers should refer to their:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at: www.naturalresourceswales.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: - Duty of Care Regulations 1991 - Hazardous Waste (England and Wales) Regulations 2005 - Environmental Permitting (England and Wales) Regulations 2010.

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.