

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 Jonathan Cholewka c/o Miss Louise Taylor 5 Preswylfa Street Cardiff CF5 1FS

WHEREAS you submitted an application on the 12th April 2021 to develop: Former Troedyrhiw Library Tyntaldwyn Road Troedyrhiw Merthyr Tydfil CF48 4NG short particulars of the application being as follows:-

Name of the Applicant

Mr Jonathan Cholewka
5 Preswylfa Street
Cardiff
CF5 1FS

Description of Proposed Development

Change of use to 3 bed dwelling with associated parking
(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 March 2025

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:

- Title: Proposed Ground Floor, received: 11th March 2025;
- Title: Proposed First Floor, received: 11th March 2025;
- Title: Proposed East and West Elevations, received: 25th February 2025;
- Title: Proposed North Elevation, received: 25th February 2025;
- Title: Proposed South Elevation, received: 25th February 2025;
- Title: Proposed Garden, received: 5th November 2021;
- Title: Bat Box Location, received: 5th July 2025;
- Bat and Nesting Bird Survey Report, September 2021, received: 30th September 2021;
- Reptile Mitigation Strategy, September 2021, received: 22nd September 2021;
- Preliminary Bat Roost and Nesting Bird Assessment, July 2021, received: 5th July 2021.

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

- 3 Prior to the occupation of the dwelling hereby approved, a plan indicating the height, design, materials and type of all boundary treatments to be erected , shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved before the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and in the interest of highway safety in accordance with Policy SW11 of the Merthyr Tydfil Council Replacement Local Development Plan.

- 4 The construction of the car parking area to the east of the property, as shown on plan, Garden Design, Title: Proposed Garden, received: 5th November 2021, shall be completed in accordance with the approved details prior to the occupation of the dwelling hereby approved, and the car parking spaces shall remain available for their designated use 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 Council Replacement Local Development Plan.

- 5 No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

- 6 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 additions or alterations shall be carried out to the roof of the dwelling hereby permitted, other than those expressly authorised by this permission.

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

- 7 **No external lighting shall be installed**, until a detailed lighting scheme has first been submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate dark zones at the boundaries and across the site, dark corridors for bat foraging/commuting with access points to bat boxes to remain unilluminated. The lighting scheme must conform to the latest guidance for wildlife-friendly lighting. Guidance Note GN08/23 Bats and Artificial Lighting At Night. Bat Conservation Trust and The Institute of Lighting Professionals 2023 - <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting>. The lighting scheme shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitat in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

- 8 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 Council Replacement Local Development Plan.

- 9 Prior to the beneficial use of the dwelling hereby approved, the enhancement measures proposed, as stipulated in the recommendations set out in the Preliminary Bat Roost and Nesting Bird Assessment, Reptile Mitigation Strategy, Bat and Nesting Bird Survey Report, Garden Design Plan and Bat Box Location Plan, shall be implemented and shall be retained thereafter in perpetuity.

Reason - To protect the natural environment and important habitat in accordance with Policy EnW1 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. 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

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.