

DELEGATED REPORT

Application No: P/25/0094

Site Address: Land Rear Of 16-24
Chestnut Way
Gurnos
Merthyr Tydfil
CF47 9SB

Development: Outline Planning permission for the construction
of 1 pair of semi detached houses

Case Officer: Gareth Davies

Site Visit: 31st August 2025

Application Expiry Date: 2nd June 2025

Consultation reply date expired: 2nd May 2025

APPLICATION SITE

The application site is a rectangular parcel of land situated to the rear of 16-24 Chestnut Way and north of Laburnum Close and Beech Grove, Gurnos. The site itself is relatively flat but the wider area slopes downwards from Chestnut Way in a southerly direction. The site was formerly occupied by garages which have been demolished, and now only concrete hardstanding remains. Other than that, the site has become overgrown with weeds and other vegetation. The site which is just 0.05 hectare has dimensions of 19m x 30m and is accessed via a concrete drive between 24 and 26 Chestnut Way which is of varying width which on average approximates to 2.9m. The site is fenced off and appears unused and unmaintained. The site abuts and is enclosed by the rear gardens of properties at Chestnut Way, Laburnum Close and Beech Grove.

PROPOSED DEVELOPMENT

The proposed development seeks outline planning permission for the construction of one pair of semidetached houses on the plot. As an outline application the applicant is seeking approval in principle that the site is suitable for what is being proposed. Whilst there are no specific details the applicant has provided maxima and minima dimensions as follows: -

	Min	Max
Height (to ridge)	5.75m	8.13m
Height (to eaves)	3m	5.5m
Length (x2)	7m	8m
Width	7m	8m

Though expressed in outline with all details reserved for future consideration in addition to the dimensional details, the applicant has provided illustrative details in the form of a block plan which indicates the following: -

The houses would be orientated north east – south west with a front elevation facing the access lane with 4no. car parking spaces between. The gable ends would face the garden areas of 22 Chestnut Way and 35 Beech Grove.

The rear gardens back on to 47-51 Laburnum Close and are shown with a depth of between 15.8m and 16.8m (depending on the maxima or minima dimensions).

There would be a minimum distance of 26m between the built development at Laburnum Close and the rear elevations of the proposed properties.

PLANNING HISTORY

There is no record of any recent or relevant planning history for this site.

CONSULTATION

Head of Engineering and Highways – No objections

Estates – No objection but also advise that there might be a restrictive covenant in place that would prevent the use of the site as anything other than storage amenity or garden space.

Ecologist – No objections

Rights of Way – No objection

Environmental Health Manager – No objections subject to conditions

Regeneration – No response received.

Natural Resources Wales – No objections

Dwr Cymru Welsh Water – No objections

The Coal Authority – No objections

South Wales Fire & Rescue Service – No objections

Heneb – No objections

South Wales Police – No objections

PUBLICITY

In accordance with the Town & Country Planning (General Development Procedure) (Wales) Order 2012 letters were sent to neighbouring properties on 10th April 2025 and site notices were displayed within the vicinity of the site on 11th April 2025.

Two letters of representation have been received raising the following issues: -

- Loss of privacy to existing homes and their garden areas.
- One resident has mental health issues and regards the garden as a safe space.
- Concern for the welfare of young children in the area as it is not known who would occupy the proposed houses.
- Two houses being built on a small area is not fair.
- Merthyr Valley Homes have already indicated that they would not put up fencing for existing residents so how will this issue be addressed?
- The lane is used for the dumping of rubbish.
- There is visibility through the site to the garden areas of existing homes.

The local Ward Councillors have been informed of the concerns raised by the local residents as a result of the publicity exercise and have not requested that the application be presented to the planning committee. As such the application shall be determined under the delegated power by the Director of Neighbourhood Services.

POLICY CONTEXT

Future Wales The National Plan 2040 (February 2021)

Policy 1- Where Wales will grow.

Policy 2 – Shaping Urban Growth and Regeneration.

Policy 3 – Supporting Urban Growth and Regeneration

Policy 7 – Delivering Affordable Homes

Policy 33 – National Growth Area – Cardiff Newport and the Valleys

Planning Policy Wales (Edition 12 February 2024)

Paragraph 2.26 – Planning authorities should ensure that social, economic, environmental, and cultural benefits are considered in the decision-making process.

Paragraph 3.9 – the special characteristics of an area should be central to the design of a development. The layout, form, scale, and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

Paragraph 3.55 – Previously developed land should, wherever possible be used in preference to greenfield sites where it is suitable for development. In settlements such land should generally be considered suitable for appropriate development where its re use will promote sustainability principles, and any constraints can be overcome.

Paragraph 4.2.18 – Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Paragraph 4.2.24 – proposals for housing on infill and windfall sites should be supported where they accord with the national sustainable placemaking outcomes.

Paragraph 4.2.26 – a community's need for affordable housing is a material planning consideration which must be taken into account in ...determining relevant planning applications.

Relevant Technical Advice Notes (TAN's) include the following: -

- TAN 2: Planning & Affordable Housing
- TAN 5: Nature Conservation & Planning
- TAN 12: Design
- TAN 18 Transport
- TAN 23: Economic Development.

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016 – 2031

The relevant LDP Objectives are: -

- LDP Objective 3 To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.
- LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.
- LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.
- LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.
- LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.

The following development plan policies would apply: -

- Policy SW1: Provision of New Homes
- Policy SW2: Provision of Affordable Housing
- Policy SW3: Sustainably Distributing New Homes
- Policy SW4: Settlement Boundaries
- Policy SW9: Planning Obligations
- Policy SW11 Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation & Ecosystem Resilience
- Policy EnW4: Environmental Protection.

The following Supplementary Planning Guidance (SPG) is also applicable: -

- SPG Note 1: Affordable Housing (March 2012)
- SPG Note 4: Sustainable Design (July 2013)

PLANNING CONSIDERATIONS

In this instance the key considerations in the determination of the planning application are the principle of development itself, the impact of the proposals on the character of the area, Ecological impacts, Highway impacts and Amenity impacts.

The principle of development

The application site lies within the settlement boundary as defined by the LDP. As such, the proposal is in accordance with the requirements of LDP policies SW1 and SW4 which would support new residential development at this location subject to compliance with other relevant policy requirements.

Impact on the character of the locality

The site, as previously described, is accessed via a concrete drive and sits to the rear of properties on Chestnut Way and adjacent to those on Laburnum Close and Beech Grove. The surrounding houses are of conventional two storey construction and arranged in a series of short terraces that have both front and rear gardens. The proposed development in the form of a pair of semidetached houses would be a less dense form of development and they would sit within a more generous curtilage than the surrounding houses. Though a slightly less dense form of development than the houses roundabout this is not so dissimilar that it would be the cause of any concern. Though this is an outline planning application the indicative layout and scale parameters provided by the agent offers sufficient comfort that the proposed development would integrate the dwelling well within the context of the wider area. The scale parameters are considered acceptable and are considered consistent (if slightly more generous) with the adjacent properties. Importantly, the proposed development would also represent an improvement in the character of the area as it would bring back into beneficial use an area of land that is currently suffering neglect. In this respect the redevelopment of the site is considered to comply with the requirements of LDP policy SW11 in terms of its impact on the character of the area.

Ecological impact

The application site currently presents as a near derelict former garage court that on the face of it would offer little in the way of ecological value. Nonetheless the planning application is supported with a Green Infrastructure Statement and a site assessment report. The latter considers records of protected species within 500m of the site along with other species identified within a 1km buffer zone of the site. This is then considered against relevant legislation, and the report identifies the need for biodiversity enhancement and other green infrastructure considerations. The report then offers a series of recommendations including that: -

- There should be no site clearance within the bird nesting season (March to June inclusive).
- All excavations to be covered if left unattended. If left open overnight a means of escape for small mammals (e.g. Hedgehog) must be provided.
- There should be careful consideration of the use of lighting through the development of the site.

The Council Ecologist is satisfied with the information provided and has not raised any objection subject to conditions being put in place relating to habitat improvement, ecological measures and lighting. Accordingly, the proposals are considered compliant with the requirements of LDP Policy EnW1 in respect of this issue.

Highway impact

Access to the proposed development would be from Chestnut Way via a narrow gap between numbers 24 and 26. There is also a secondary pedestrian access to the front of the site via a footpath to Beech Grove. Though an outline application the agent has been able to demonstrate that access can be secured safely along with the provision of turning space with four off street parking spaces and appropriately appointed bin stores. The Head of Engineering and Highways is content with the arrangement subject to conditions that will secure this arrangement being included in any consent issued. The proposals are therefore considered compliant with the requirements of LDP Policy SW12.

Amenity impacts

As an outline planning application the applicant is aiming to establish only that the principle of development is acceptable and in this instance is not seeking to agree details for the development of the site, which would be subject of a further submission for approval of reserved matters should this application prove successful. However, in addressing this issue, the submitted illustrative detail is helpful. If the site is developed as shown on the illustrative plans the back-to-back distance with properties on Laburnum Close of nearly 23m would be acceptable in planning terms and comparable to other built development relationships in the area. There would be no need for windows in the side elevations of the proposed development which would reduce any overlooking of the gardens on Chestnut Way and Beech Grove to an acceptable level. The front elevation would face the blank gable of 37 Laburnum Close. The given parameters and illustrative detail also give some comfort that siting of the proposed dwellings can be achieved with acceptable amenity impacts on other properties and without there being any concerns for overbearing impacts on those properties.

Residents have indicated that the development would (amongst other things) lead to a loss of privacy in their gardens. The nature of the development site would mean that if the houses were built there would be additional overlooking from other private areas of the development. With the correct design this can be reduced to an acceptable level as illustrated on the submitted plans. Moreover, the site currently affords a degree of overlooking of the rear gardens of existing property from the public right of way and this element will be removed to benefit of the residents immediately adjacent to the site.

Considering the above and subject to detailing it is considered that a development of suitable size and design on this site could satisfy the requirements of LDP policy SW11 regarding the impact of the development on residential amenity.

Other matters

The site has been identified as being at low risk from historic mining activity and would not need to be supported with a Coal Mining Risk Assessment.

The Environmental Health Department have not identified the site as being contaminated but have suggested a precautionary approach to the development of the site given its previous use.

The dumping of rubbish on the site would end with its development whilst development facing the access lane would also make any dumping by third parties far less likely.

Residents in objecting to the proposed development have mentioned that Merthyr Valley Homes have refused to deal with their boundary fence issues. Whilst this is a matter that lies outside of planning control it is worth noting that any detailed approved development would be required to address the issue which could prove mutually beneficial.

Residents have expressed some concern that it is not known who the future occupiers of any development would be. The planning system cannot dictate who specifically will live at a development as this is not a planning consideration. Similarly, whilst we all share a concern for the welfare of children here and across the County Borough, it is not an issue that would influence decision making in this case.

Whilst there is every sympathy for the mental wellbeing of the neighbour, or for that matter any individual who is suffering from such a condition, this in and of itself is not a reason to refuse a planning application.

CONCLUSIONS

The site if left would only offer continued dereliction and along with it the problems that would present for local residents. The proposal offers an opportunity to address this through the provision of two new dwellings on the site. The principle of residential unit on this land is acceptable and the applicant and agent have provided sufficient additional information to illustrate that it can be delivered in a manner that is acceptable in planning terms. Consequently, a positive recommendation is made.

The duty to improve the economic, social, environmental, and cultural well-being of Wales in accordance with the sustainable development principle, under Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at Section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by Section 8 of the WBFG Act.

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. The development shall be carried out in accordance with the following approved plans and documents: -

- Drawing No. 104 Rev 01 - Proposed Plans, received 28.08.2025
- Site assessment survey by Ecological Services 10th July 2025
- Green Infrastructure Statement by Ecological Services 23rd July 2025

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

5. Along with the submission of Reserved Matters, a plan indicating the position, height, design and materials for the boundary treatments shall be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any dwelling hereby approved.

Reason To ensure the new development will be visually attractive in the interests of visual amenity and to comply with policy SW11 of the Merthyr Tydfil replacement Local Development Plan.

6. Along with the submission of Reserved Matters, details of the existing ground levels and the proposed finished ground floor levels (including relevant sections) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason - To protect residential and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Along with the submission of Reserved Matters, a Landscape and Environment Management Plan shall be submitted, setting out details of the biodiversity/ecological enhancements to achieve net benefits, which shall only include species of native provenance and a timescale for its implementation. The development shall be carried out in accordance with the approved details.

Reason To promote net biodiversity benefit in accordance with Planning Policy Wales (edition 12 February 2024) and to accord with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan must demonstrate dark zones at the boundaries and across the site, wildlife boxes must not be illuminated and there must be dark routes to allow barrier free access to boxes. The agreed scheme shall be implemented in accordance with the approved details.

Reason To promote net benefit to biodiversity in accordance with Planning Policy Wales (Edition 12 2024) and to accord with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. 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 buildings 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.

10. **Prior to the occupation of the dwellings**, the means of vehicular access, including the driveways, parking spaces and turning areas, shall be constructed in accordance with the approved details and shall remain available for such purposes at all times thereafter.

Reason In the interest of highway safety and to accord with Policy SW12 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 24.09.2025