

# DELEGATED REPORT

<b>Application No:</b>	<b>P/25/0298</b>
<b>Site Address:</b>	<b>Former Builders Yard Elwyn Drive Twynyrodyn Merthyr Tydfil CF47 0NJ</b>
<b>Development:</b>	<b>Convert builders yard office to 2no. flats</b>
<b>Case Officer:</b>	<b>Gareth Davies</b>
<b>Site Visit:</b>	<b>18th November 2025</b>
<b>Application Expiry Date:</b>	<b>5th January 2026</b>
<b>Consultation reply date expired:</b>	<b>5th December 2025</b>

## APPLICATION SITE

The application site comprises a northern segment of the former builder's yard which is accessed via Elwyn Drive Twynyrodyn. The site lies within the settlement limits defined by the Local Development Plan. The site falls within the designated Landscape of Outstanding Historic Interest Merthyr Tydfil.

The site is located within an established residential area and is bound by the garden area of properties on Elwyn Drive and James Street/St Tydfil's Avenue with the balance of the builder's yard to the west.

The site is comprised in the two-storey office and store structure on its northern side and an open yard area on its southern side. The store comprises a combination of garages and storage provision on the ground floor and office and storage facilities on the first floor. The building stands approximately 7m high to the ridge and is L- shaped in footprint. The building is finished in tiles to the roof and render to the external walls with uPVC windows.

The topography of the area is such that the land level raises to the north resulting in the properties on Elwyn Drive being sited at a lower level and those on St Tydfil's Avenue at a higher level.

## PROPOSED DEVELOPMENT

The planning application seeks consent to convert the ground floor into a one-bedroom flat with some elements of storage being retained on the eastern side. The first floor will be converted in its entirety into a two-bedroom flat. Access to both flats will be from the yard area with the first-floor flat being accessed via an external steel staircase as at present.

Internally the property would be brought up to current residential occupation standards under the building regulations. Windows at first floor level will be reduced in size and fitted with obscured glazing up to a height of 1.6m above internal floor levels.

Access to both flats would be from the east via the turning head at the end of Elwyn Drive. Entrance to the yard area would be gated for both vehicles and pedestrians. It is intended that the yard would be used to provide three parking spaces to serve the proposed development with bin and recycling space provision on the eastern side. Existing close boarded fencing with the rear of the properties on Elwyn Drive would be retained and the eastern boundary of the site would be marked by the provision of a planted hedgerow.

It is also proposed that a sparrow terrace be provided to the eastern elevation of the building and 2no. bat boxes to the western end of the building to satisfy net biodiversity benefit requirements.

## PLANNING HISTORY

P/25/0281	Erection of 2no. dwellings	Not yet determined	16 <sup>th</sup> December 2025
P/22/0066	Erection of 4no.dwellings including demolition of office building & stores	Refused	1 <sup>st</sup> February 2024
P/15/0420	Discharge of condition 11 of P/15/0004 (structural design certificate)	Approved	30 <sup>th</sup> April 2015
P/15/0333	Discharge of condition 3 of P/15/0004 (drainage)	Approved	17 <sup>th</sup> November 2015
P/15/0004	Erection of 1 pair of semidetached dwellings	Approved	30 <sup>th</sup> April 2015
P/00/0320	Erection of 3 detached bungalows	Refused	10 <sup>th</sup> October 2000

## CONSULTATION

Head Engineering and Highways – no objection.

Council Ecologist – No objection.

Environmental Health Manager – No objection.

Housing Division – No objection.

Natural Resources Wales – No objection.

Dwr Cymru Welsh Water – No objection.

Mining Remediation Authority – no objection.

South Wales Fire & Rescue Service – No objection.

## PUBLICITY

In accordance with the Town & Country Planning (General Development Procedure) (Wales) Order 2012 letters were sent to neighbouring properties on 22<sup>nd</sup> July 2025 and site notices were displayed in the vicinity of the site on 23<sup>rd</sup> July 2025. Following the reduction in height of the proposed fence to 1.5m further notification was sent to the individuals who had already submitted comments.

As a result of the consultation exercise 12 submissions, including a 35-signature petition, have been received making the following observations and objections: -

### Amenity & Privacy Issues

- The proposed development sits higher than some properties on Elwyn Drive blocking light. The difference in ground levels also means that the boundary treatment would be ineffective in obstructing overlooking.
- Overlooking will result from the conversion of the building.
- No mention is made in the application of the existing retaining wall and the additional loading that is a result of recent works on site which might result in damage or failure.
- The inclusion of obscured glass may address privacy to some extent, but the windows could be opened and a view afforded over existing property.
- Noise from future residents might also prove a problem.
- Residential amenity will be severely blighted by the proposed development if allowed.
- The size layout density and design of the proposed development does not fit with the character of the area impacting visual amenity and privacy.
- Noise and air quality will adversely impact local amenity during the construction phase.
- The building is too large for the area negatively impacting the visual character of the neighbourhood.

### Highway Issues

- Access and egress to the site is too narrow and unsuitable to serve further development compromising highway safety.
- There is inadequate parking to serve the development.
- Should the Council be granted permission to penalise vehicle owners for parking on the footway they would park on the road making passing by impossible.
- Parking and over parking in and around Elwyn Drive is already problematic and further development would make the situation worse. Residents of James Street use the access lane for bin storage and collection, and some gates open outwards.
- Development will lead to increased congestion in the construction and occupation phases, historically, large vehicles have found the site difficult to access and caused inconvenience to residents.
- A fire appliance struggled to gain access on November 5<sup>th</sup>, 2025, due to congestion.
- The pedestrian gate is inappropriately located.

## Wellbeing

- It is rumoured that ex-offenders might use the flats and this presents a safety risk for all but particularly children.
- Ex-offenders might also present addiction and behavioural issues.
- There are already problems with HMO's in the area and the impact of another on the safety, wellbeing, and quality of life of existing residents is concerning.

## Other Matters

- Security is now a concern as previously the site was securely locked through the evening.
- Earlier applications for the development of this site have been objected to and the objections made should be carried forward to this development.
- Earlier applications for the development of this site have been declined and so should this one be.
- It is alleged that despite the claim in application that the development has not commenced that work has already begun.
- It is alleged that the Invasive Non-native Species Japanese Knotweed has been removed from the site and there is a need for assurance that it was undertaken and disposed of properly.
- A bat survey was requested at the time of the previous application which as far as objectors are concerned was never completed – confirmation is sought.
- Submitted plans do not match ordnance survey plans for the area and the accuracy of the plans as a whole is questioned.
- The use of scaling bars would not be aesthetically appropriate in a residential area.
- Drainage on the rear lane to James Street is inadequate during periods of heavy rainfall.
- Loss of property value.
- The proposed flats for social housing will compromise the safety of residents.
- The application disregards the negative effect it will have on the neighbourhood showing a lack of respect for it.
- Elwyn Drive is a cul de sac where children play in the street, there are also elderly people present and the development will greatly impact their lives.
- Further development will put pressure on local amenities such as school's doctors' surgeries and public transport.
- The proposals should be reconsidered in favour of a more suitable and community appropriate use of the land.

Local Councillors were informed of the extent and nature of the objections to the proposed development on 20<sup>th</sup> November 2025 and have not requested the application be presented to the planning committee. Accordingly, the application is to proceed under the scheme of delegation authorised to the Director of Neighbourhood Services.

## PLANNING POLICY

### **Future Wales: The National Plan 2040 (February 2021)**

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow.

- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 33 – National Growth Area – Cardiff, Newport, and the Valleys,

### **Planning Policy Wales (Edition 12, February 2024)**

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Active and Social Places: Living in a Place
- Distinctive and Natural Places: Recognising the Special Characteristics of Places
- Distinctive and Natural Places: Recognising the Environmental Qualities of Places.

### **The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 -2031)**

The relevant LDP Objectives are:-

- LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.
- LDP Objective 3 Housing Provision: 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.
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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 SW11: Sustainable Design and Placemaking
- Policy SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW2: International and Nationally Protected Site and Species
- Policy EnW4: Environmental Protection

The following supplementary planning guidance is applicable:-

- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 1: Affordable Housing (March 2012)
- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)
- Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

## PLANNING CONSIDERATIONS

The key considerations in the determination of this planning application are the principle of development itself, sustainability, coal risk, highway safety, ecology, and the impacts of the proposed development on residential amenity.

### Planning Policy and Sustainability.

Planning Policy Wales 12 and Future Wales - The National Plan, set the Policy framework for planning in Wales and both place weight on sustainability and sustainable development at appropriate locations. The Merthyr Tydfil Replacement Local Development Plan has similar aspirations in defining settlement limits and supporting sustainable development. The proposed development seeks consent to convert an existing building to residential use within part of a former builder's yard that would be considered previously developed land. Within settlement limits there is general policy support for the redevelopment of brownfield sites within settlement limits with the proviso that any constraints can be resolved or overcome.

Replacement Local development Plan Policies SW1, SW3 and SW4 are relevant in establishing the principle of the development. Policy SW1 addresses the provision of new homes in a sustainable manner to meet the needs of the community. Policy SW3 allocates sites for new residential development and has identified primary and secondary growth areas, and the site lies within the defined primary growth area. Policy SW4 defines the settlement boundaries which the site lies within. In such circumstances, there is no objection to the principle of development though all applications are expected to meet the requirements of other relevant planning policies inasmuch as they relate to the specifics of the case.

The application site is within an established residential area, and consequently future occupiers would be well served by existing local amenities which are accessible via sustainable modes of transport. Further, occupiers would be well served by public transport with a bus route operating nearby and the railway station less than half a mile away. Consequently, the sustainability of the site is not in question.

### Coal Risk

The site lies within a defined development high risk area. The mining remediation Authority's information indicates that the site lies within an area of unrecorded coal mining activity is likely to be at shallow depth. Such workings can pose a risk of ground instability and give rise to mine gas emissions. However, the proposed development involves no new build residential accommodation and earlier site-specific reports prepared as recently as 2023 indicate that there are no mining ground instability risks to proposed housing at the site. In these circumstances this issue need be pursued no further.

## Highway Safety

The proposed development would use the existing access from Elwyn Drive. The entrance exists and previously served the builders yard and as such no issues have been raised as to the capacity of the local highway network to cope with the proposed development. The proposal offers a total of three car parking spaces which is consistent with the requirements of the parking guidelines adopted by the Council and no concerns in respect of this issue are raised.

Public consultation has raised concerns relating to access parking and general congestion in the area. The proposed development has been assessed by the Head Engineering and Highways who has raised no objection to the proposed development subject to conditions relating to details for improvements to the access and appropriate drainage being provided.

## Ecology

Replacement Local Development Plan Policies EnW1 and EnW2 aim to protect and enhance green infrastructure and mitigate the impacts of climate change. The proposed development raises no significant concerns in this respect given the existing context and the extent of development proposed. The development would seek to make better use of the existing site and buildings minimising any impact on green infrastructure or biodiversity concerns.

Due to its existing/former use, the site has little ecological value. The proposals offer some ecological enhancement in the form of a sparrow terrace and bat boxes through the proposed development, providing net biodiversity benefit and mitigating the impacts of climate change. This is acceptable given the extent and nature of the development proposed and the policy requirements are met.

## Character and Visual Amenity

The residential area around the application site has been developed incrementally over a number of years and comprises a mix of traditional terraced housing, individually built properties and a late 20<sup>th</sup> century housing development. As such there is no overriding design idiom in the area. The proposed works renovating the office and rationalising the outdoor space would be both an improvement to the character and visual amenity of the area, further the introduction of residential use to the site would also be more consistent with the overall character of the area.

## Residential Amenity

On the face of it the replacement of a non-conforming storage use with a residential area would appear appropriate in a residential area. However, in this instance, the windows at ground floor and first floor level face the rear of properties on Elwyn Drive and sit at a higher level and overlook those properties in relatively close proximity, given that the rear gardens of those properties are relatively modest in size. This also limits the potential of any acceptable boundary treatment to lessen the overlooking. The applicant to some extent acknowledges this in suggesting in the later iterations of proposed plans that the windows at first floor level be obscurely glazed and this is something that can be adequately controlled through the judicious application of planning conditions. This though does nothing for the wellbeing of future occupants or offer any outlook or aspect to future

occupants. Additionally access to the proposed first floor flat is via an external steel staircase that descends towards the rear of properties on Elwyn Drive. This facilitates the potential for extensive overlooking of the private garden areas and rear facing rooms of a number of houses, particularly as it also presents an opportunity for future residents to sit out during warmer weather. Further the orientation of the steps is such that the issue cannot be resolved through the addition of screening. The net result would be that the proposals would facilitate an unacceptable impact on local amenity through a loss of privacy and this is contrary to the requirements of Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Matters raised by members of the public not addressed elsewhere in this assessment are considered below: -

- Comments in relation to additional loading on a retaining wall as a result of recent works are not part of the current planning application and are ultimately a private issue to be resolved between the respective land owners.
- Noise from future residents would not be a defensible reason for refusal of the planning application.
- Similarly, noise and air pollution resulting from the redevelopment of the site would be transient and not a viable reason for refusal of the planning application.
- Size layout and density also of themselves would not form a defensible reason for refusing this planning application.
- The building subject of the planning application is of domestic proportions and though it does little for the visual character of the neighbourhood if it were not for the above objections, it might otherwise be capable of sufficient improvement to make it acceptable in this respect.
- The nature of the users of the flat and how they might behave is not a planning consideration.
- Similarly, the proliferation of HMO's in the area is not particularly relevant as that is not what is being proposed in this instance.
- Residential occupation of the site would aid rather than hinder site security.
- Objections made in respect of previous applications whether they were approved or refused cannot be carried forward or considered in relation to the current application. Any application has to be determined on its individual merit rather than the history of the site.
- Should works commence prior to consent being granted then it is undertaken at the developers own risk and does not oblige the Local Planning Authority to determine the application in its favour.
- If Japanese Knotweed has been previously removed or not is not material to the determination of the current planning application.
- Bat surveys were completed in respect of the earlier planning application, and a copy has been provided.
- Issues relating to the accuracy of the submitted plans have been addressed in later iterations of the submitted plans.
- Drainage has not been identified as an issue by any consultees.
- Consultation has not revealed any issues with regard to local amenities.
- Applications have to be considered on the basis of what is proposed rather than what third parties might prefer.



## CONCLUSIONS

The proposed development aims to put what appears to be an underused office and storage building to residential use. Whilst the proposed development does meet some policy requirements and expectations it raises genuine concern at the likely impact of the proposed development on the residential amenity and particularly the privacy of properties on Elwyn Drive and as such is contrary to Replacement Local Development Plan SW11. Consequently, a recommendation of refusal 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 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 in 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 REFUSED** for the following **REASON**

1. The proposed works would result in a development that would prove harmful to the residential amenity and privacy of residents of Elwyn Drive, contrary to the requirements of Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

**RECOMMENDATION ENDORSED**



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**Director of Neighbourhood Services**

**DATE: 19.01.2026**