

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/26/0131</b>                                                                  |
| <b>Site Address:</b>                    | <b>Ty Bryn Seion<br/>North Street<br/>Dowlais<br/>Merthyr Tydfil<br/>CF48 3SR</b> |
| <b>Development:</b>                     | <b>5 No. Air Source Heat Pumps and timber fenced compound.</b>                    |
| <b>Case Officer:</b>                    | <b>Rebecca Owens</b>                                                              |
| <b>Site Visit:</b>                      | <b>30th June 2026</b>                                                             |
| <b>Application Expiry Date:</b>         | <b>14th August 2026</b>                                                           |
| <b>Consultation reply date expired:</b> | <b>21st July 2026</b>                                                             |

## APPLICATION SITE

The application relates to a parcel of land within the curtilage of a large detached building comprising residential flats. It is located within the settlement boundary and is bound by highways to two sides, a landscaped public space and a church.

## PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of five MAXA i-290v0127v Air Source Heat Pumps (ASHP) and timber fenced compound.

The ASHP would be located in an existing clothes drying area which is enclosed by timber fencing. Each pump would be 7m in depth by 1.602m in width and 1.264m in height. The pumps would be enclosed by a new 1.8m high close boarded timber fence compound which would be 5.2m in width by 8.1m in depth. The remaining area of hardstanding which would fall outside of the new enclosure, and a section of pathway would be replaced with wildflower/grass.

## PLANNING HISTORY

The relevant planning history is summarised below:

|           |                                                                                                                                                                     |
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| P/24/0130 | Proposed External Cladding, alterations to windows and installation of air source heat pump<br>Granted planning permission subject to conditions on 2 October 2025. |
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## CONSULTATION

The following bodies were consulted and their responses are presented below:

Environmental Health Manager    No objection subject to conditions

Ecologist                                      No objection

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and four site notices were displayed in the vicinity of the site.

Two letters of objection were received following this publicity exercise from occupants on Ty Bryn Seion. The main points raised are outlined below:

- Noise from the ASHP which will impact on Residents mental health
- Residents have not had an option as to the type of heating and do not want this development;
- The garden is a haven for wildlife (including birds, hedgehogs and slow worms) that will be impacted by the development;
- The gardening club have spent time and money improving the gardens which help with resident' health and mental health

Local ward councillors have been informed of the concerns raised by local residents and have not requested the application be presented to the planning committee as such the application is to be determined under the delegated power by the Director of Neighbourhood Services.

## POLICY CONTEXT

### National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

### National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

### Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species

- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW9 District Heating

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

## PLANNING CONSIDERATIONS

The proposed ASHP would be located within a timber enclosure which would replace and existing timber enclosure around a drying area. As such, the ASHP themselves would be screened from view and there would be very little change in the appearance of the garden area. Accordingly, the development would not have any adverse visual impact or harm the character of Ty Bryn Seion or the area in general. As such the development would comply with Policy SW11 of the LDP in this respect.

Regard has also been had for the impact of the development on the residential amenities of surrounding occupants. In this respect it is noted that the site is bound by a church to the north/north west of the site area with residential properties located to the west/south west. In addition, Ty Bryn Seion itself comprises of residential flats. Given that the ASHP and associated enclosure would be situated some distance from surrounding properties and approximately 5m from Ty Bryn Seion and would in fact replace an existing enclosed drying area, the development would not have any overbearing impact or give rise to any overshadowing or loss of light. It is recognised that ASHP emit a level of noise when in operation which can cause noise disturbance. However, the application has been supported by a noise assessment. This notes that predicted ASHPs sound levels of  $\leq 27\text{dB LAeq}$  are indicated at the closest sound sensitive receptors on Gwenllwyn Court during day and night which would fall well below the  $37\text{dB LAeq}$  ASHP noise limit quoted in the latest MCS020 guidance for permitted developments. In addition, it highlights that ASHP sound levels at Dowlais Elim Church would also fall below the MCS020 guidance figure with  $32\text{dB(A)}$  during the daytime period which should not be considered significant for a non-residential receptor. Furthermore, the report considered the noise impact to the closest windows of Ty Brynseion noting a noise level of  $36\text{dB LAeq}$  outside windows. The report confirms that this level falls below the MCS020  $37\text{dB LAeq}$  ASHP noise limit. It also states that the ASHPs are to provide both heating and hot water, and windows of the nearest flats may be opened. It outlines that allowing a minimum  $10\text{dB}$  through a partially open window would bring internal noise levels to below  $30\text{dB(A)}$  meeting the BS 8233 night-time desirable internal ambient noise guidance value. Accordingly, the report found that noise levels from the development would not exceed the appropriate level and as such there would not be any harmful noise disturbance from the ASHP to residents and users of the church. The Environmental Health Manager has also considered this information and has not raised any concerns with respect to noise. Having regard to the above the development would be acceptable in terms of its impact on residential amenities and would accord with Policies SW11 and EnW4 of the LDP.

It is recognised that two letters of objection were received to the application following the publicity exercise. Noise disturbance has been considered above but in response to the other points made the following comments are made:

- The local planning authority can only consider the planning merits of the proposal and this would not take into account the preferences of the residents of Ty Bryn Seion as to heating options. This would be a matter between the residents themselves and the landowner/landlord.
- The ASHP are proposed in an existing drying area comprising of hardstanding. However, it is recognised that the development would also disturb an area of maintained grassland. Given the scale of the works it is not considered that there would be any significant disturbance to wildlife or harmful impact. In fact the development would provide wildflower/grass planting and new trees which would benefit wildlife.
- As outlined previously, the development would largely take place within an existing drying area and as such would not impact on the wider garden area. In addition, the proposed planting would enhance the gardens. As such, it is not considered that the development would negatively impact the garden or its associated benefits to resident's health and mental health

In accordance with chapter 6 of Planning Policy Wales (edition 12), the application has been supported by a Green Infrastructure Statement (GIS). This indicates that the development would impact on an area of hardstanding and amenity grassland. As a means of providing a net benefit to biodiversity and ecological enhancement of the site the GIS notes that the area of concrete/hardstanding path and amended grassland to be lost (which equates to an area of 20 square meters) would be replaced with native wildflower/grass habitat. In addition, it proposes to plant six native trees within the site. This is considered to be adequate and the provision of these measures can be controlled by condition. The development would therefore comply with PPW and LDP Policy EnW1.

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.

Accordingly the following recommendation is made:

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

**CONDITIONS/REASONS:**

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 Block Plan, Drawing Number: 2609/102 Rev. B, Received 10 September 2026.

Drawing Title: Proposed NW & SW Elevations, Drawing Number: 26019/02 Rev. B, Received 10 September 2026.

Drawing Title: ASHP EXTERNAL LAYOUT - 1, Drawing Number: KR29521-KEN-SW-00-DR-W-02202A Rev. P03, Received 19 June 2026.

Green Infrastructure Statement produced by A.D Architectural Design Consultants LTD. Received on 10 September 2026.

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

3. The native wildflower/grass area and 6 no. trees shall be provided in the first planting and seeding seasons following the completion of the development in accordance with the Green Infrastructure Statement and drawing number 2609/102 Rev. B. Any trees or planting 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.

## 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.

**RECOMMENDATION ENDORSED:** *G. Davies*

**Director of Neighbourhood Services**

**DATE: 21<sup>st</sup> September 2026**