

DELEGATED REPORT

Application No:	P/24/0239
Site Address:	Land Adjacent To Lle Hyfryd Mount Pleasant Heolgerrig Merthyr Tydfil CF48 1RY
Development:	Erection of dwelling with parking
Case Officer:	Rebecca Owens
Site Visit:	23rd October 2024
Application Expiry Date:	12th December 2024
Consultation reply date expired:	13th November 2024

APPLICATION SITE

The application relates to a rectangular parcel of land located between two detached dwellings, Lle Hyfryd to the northeast, Cavallino to the southwest. It abuts the adopted highway of Mount Pleasant to the front (southeast) and open countryside to the rear (northwest). The site lies within the settlement boundary as designated within the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031.

PROPOSED DEVELOPMENT

Full planning permission is sought for erection of a five bedroom dwelling (with accommodation in the roof). The proposed dwelling would be set back from the highway to provide parking to the front with a garden to the rear.

It would have a square footprint 9.5m by 9.5m but with a projecting front gable feature which would project out 1m and would be 4.4m in depth. The main roof would be pitched with a ridge height of 9.2m and the front gable projection would have a ridge height of 7.8m.

The dwelling would feature a front bay window and canopy and would include roof lights in the front and rear roof planes. The roof of the dwelling would be covered with synthetic slate and the external walls would be finished with brickwork to the lower level and cream coloured render to the upper level with brick quoins.

PLANNING HISTORY

The relevant planning history is summarised below:

P/23/0021 Erection of dwelling
Granted outline planning permission subject to conditions on 2 June 2023

P/19/0169 Application to extend the time for the submission of reserved matters and the commencement of works in respect of planning permission P/16/0099
Granted outline planning permission subject to conditions on 30 July 2019

P/16/0099 Erection of dwelling
Granted outline planning permission subject to conditions on 22 July 2016

P/05/0380 Erection of 2 No. detached dwellings
Granted outline planning permission subject to conditions on 22 September 2005

CONSULTATION

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

Head of Engineering and Highways	No objection subject to conditions
Planning Policy Officer	No objection
Ecologist	No objection
Environmental Health Manager	No objection subject to conditions
Dwr Cymru Welsh Water	No objection subject to condition
Coal Authority	No objection subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the neighbouring property and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

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) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 states that '*Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area*'. In addition, in reference to character, Paragraph 3.9 states that '*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 identifies a preference to the use of previously developed land over greenfield sites. It also notes that '*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. It is recognised, however, that not all previously developed land is suitable for development*' Paragraph 4.2.18 goes on to state that '*Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites*'.
- Paragraphs 4.1.50 – 4.1.55 refer to car parking, with 4.1.51 noting "A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development".
- In regard to Biodiversity and ecology, paragraph 6.4.3 states '*The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement*'. Paragraph 6.4.15 also outlines the step-wise approach.

In addition, the following Technical Advice Notes are relevant:

- Note 4, Sustainable Design.
- Note 5, Nature Conservation and Planning
- Note 18, Transport
- Note 12, Design

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:

- SW1 Provision of New Homes
- SW2 Provision of Affordable Housing
- SW3 Sustainably Distributing New Homes
- SW4 Settlement Boundaries
- SW9 Planning Obligations
- SW11 Sustainable Design and Placemaking

- SW12 Improving the Transport Network
- CW1 Historic Environment
- 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

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

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principal of Development

The application site is located within the Primary Growth Area of the settlement boundary. LDP Policy SW4 supports new development in this area provided that it is compatible with other relevant plan policies and material planning considerations. Residential development in this location is therefore considered acceptable in principle and would comply with Policy SW4. Indeed, it is recognised that there is an extensive planning history (outlined above) relating to residential development of this land.

Notwithstanding the fact that the development is considered acceptable in principle in this location, there are other relevant matters are assessed below.

Character and Appearance

It is recognised that the site is located in a mainly residential area characterised by dwellings of varying designs, materials and scales. Given the lack of uniformity, there is more scope in terms of the design of any new dwelling. However, it is noted that it would sit between two detached dwellings and as such would relate most closely to these properties. Having regard to the setting, the proposed dwelling is considered to be of an acceptable design and scale which would sit comfortably between the properties on either side. It would also be finished with render and brickwork reflecting the finishes of these dwellings. As such, the development is found to be of an acceptable design which would not appear incongruous and as such would not have any adverse impact on the character or visual amenities of the area. In this respect it is noted that the site is located within Urban Character Area 9 - West Merthyr, including Heolgerrig and Gellideg, and within a Landscape of Outstanding Historic Interest. The proposal is therefore found to comply with policies SW11 and CW1 of the LDP.

Residential amenity

Regard has also been had for the impact of the development on the residential amenities of the neighbouring occupants. In this respect it is noted that the dwelling would be sited between the flank elevations of the dwellings that adjoin either side of the site. Given this arrangement it is not considered that it would have any overbearing impact or result in any harmful overshadowing. It is recognised that there may be some loss of light to the side

windows in both these neighbouring dwellings but it is not considered that this would be significant enough to warrant concern. It is also acknowledged that the proposed dwelling would have windows in both side elevations which would look towards the flank elevations of the adjoining dwellings. However, these are modestly sized windows that serve non habitable rooms and would be fitted with obscure glazing. As such they would not give rise to any unacceptable overlooking or loss of privacy. However, it is recommended that a condition is included with any permission to ensure that these windows are fitted with obscure glazing and retained as such in perpetuity. Whilst there would be some overlooking to the neighbouring gardens as a result of the rear fenestration, this would be at a level typically found between adjoining properties and as such is deemed to be acceptable. It is also noted that boundary treatments are proposed but considering their height and depth along the boundaries no concerns are raised with respect to these. Thus, having regard to the above and noting that no objections were received following the publicity exercise the proposal is deemed to be acceptable in terms of its impact on residential amenity and as such in accord with policy SW11 of the LDP.

Parking Provision and Highway Safety

The application site would be accessed off the adjacent highway known as Mount Pleasant. Whilst this is an adopted highway, it does not contain any footways and is not wide enough for two vehicles to pass one another. However, the speed is restricted to 20mph and it is considered that the highway is capable of supporting the additional traffic movements associated with the dwelling. Access into the site would involve forward and reversing manoeuvres but the Engineering and Highways Manager has not raised any objections to this. In addition, the proposal would provide three parking spaces on the front hardstanding which is considered to be adequate provision to meet the parking needs of a dwelling of this size. It is noted that the Engineering and Highways manager has requested a condition relating to surface water to ensure that it does not discharge onto the highway. However, as the development would require SAB approval it is not considered that this condition is necessary.

Ecology

The application has been supported by a Preliminary Ecological Appraisal with includes a Green Infrastructure Statement and net benefits for biodiversity. The PEA found the site to be of negligible ecological value with no evidence of protected species. It also specifies a number of measures to achieve a net benefit for biodiversity which include:

- two integrated bat boxes;
- hedgehog gaps in the boundary fencing;
- the planting of a hedgerow comprising of native species;
- planting of honeysuckle for bees and other insects;
- the planting of a trees;
- a bird box; and
- border planting comprising of small shrubs

This information has been considered by the local planning authority's ecologist and is found to be acceptable. As such, it is recommended that the ecological enhancements and landscaping are secured by condition. With the inclusion of these the development would contribute to the wider green infrastructure objectives and comply with LDP Policy EnW1.

Land stability

The application site is located in an area identified as being at high risk from past coal mining activities with Coal Authority noting that the site lies within an area of both recorded and probable unrecorded shallow coal mining. In addition, their records indicate that there are two recorded mine entries (one shaft and one adit) within 20m of the site boundary (although their exact position could vary). A Mining Risk Assessment has therefore been submitted in support of the application and considered by the Coal Authority. Whilst this report included commentary on the risks posed by the mine shaft (which could be within the site or in close proximity to it), the inter-relationship between it and the proposed development is undetermined. The Coal Authority acknowledges that in the instance that the shaft is discounted from being within the site and worst case scenario is on third party land, the indicated BGS drift thickness of 23.9m would mean that the Zone of influence would encroach across the entire site, with the proposed dwelling unable to avoid it. Whilst this is highlighted as being of significant concern the Coal Authority have noted their recommendations on previous applications relating to this site (Planning references P/23/0021, p/19/0169 and P/16/0099) and feel it unreasonable to deviate from these. They have therefore not objected to the application subject to conditions relating to site investigation works, remediation and/or mitigation measures and a statement from a competent person confirming that the site has been made safe and stable for the approved development.

Notwithstanding the above, the Coal Authority have also noted that given the potential severity of the situation, should the recorded mine entry be discounted from being within the site, then it would be for the Building Regulations process to ensure that appropriate foundations are incorporated in the construction of the building to afford its structural integrity, specifically in the instance of any off-site collapse. It would appear therefore that the Coal Authority are satisfied that appropriate foundations can be designed to account for the possible risks. Having regard to the above and noting that no objection has been made the proposal is on balance found to be acceptable in terms of land stability subject to the required conditions being included in any permission issued.

Planning obligations

Policy SW9 relates to planning obligations. However, given that the proposal is for a single dwelling, onsite provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought.

Conclusion

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**:

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: Existing & Proposed Plans, Elevations & Section, Drawing Number: LLE HYFRYD 01E, Received 17 October 2025.

Drawing Title: Existing & Proposed Plans, Elevations & Section, Drawing Number: LLE HYFRYD 02B, Received 17 October 2025.

Drawing Title: Existing & Proposed Plans, Elevations & Section, Drawing Number: LLE HYFRYD 03D, Received 17 October 2025.

Drawing Title: Shaft location, Drawing Number: LLE HYFRYD 05, Received 5 November 2025.

Preliminary Ecological Appraisal (Revised) including proposals or net benefits to biodiversity and a Green Infrastructure Statement, dated November 2025, produced by Morgan Ecology, Received 19 November 2025.

Coal Mining Risk Assessment Report, Issue Date: March 2025, Reference: 13741/V2, produced by Terra Firma, Received 17 March 2025.

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

3. Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and associated boundary walls 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.

4. **Before** the development hereby permitted is brought into use, the windows in the side elevations of the dwelling hereby approved shall be fitted with obscured glazing in accordance with drawing number LLE HYFRYD 01E and any part of the windows that are 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

5. **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 the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping set out in the Preliminary Ecological Appraisal and on drawing number: LLE HYFRYD 03D, shall be carried out in the first planting and seeding seasons following the occupation of the dwelling 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.

8. **BEFORE** the dwelling hereby approved is occupied, the bat and bird boxes and hedgehog gaps shall be provided in accordance with the Preliminary Ecological Appraisal and Drawing Numbers LLE HYFRYD 01E and LLE HYFRYD 03D. These shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **BEFORE** the dwelling hereby approved is occupied, the access and parking area shall be provided in accordance with drawing number LLE HYFRYD 03D 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 County Borough Council Replacement Local Development Plan.

10. **No development shall commence** until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and to locate or discount mine shaft 303206-040; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with the approved details.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. **Prior to the occupation of the development, or it being taken into beneficial use** a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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

2. The developer's attention is drawn to the comments and advice received from The Coal Authority during the application process. These include the following points:

1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal_with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

3- Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement-guidance-notes-for-applicants-for-incidental-coal-agreements>

3. The developer's attention is drawn to the comments and advice received from Dwr Cymru Welsh Water during the application process.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 09.01.2026