

DELEGATED REPORT

Application No:	P/26/0120
Site Address:	Trinity Chapel Wesley Place Merthyr Vale Merthyr Tydfil CF48 4RS
Development:	Change of use from an artists studio (Use Class B1) to a residential flat (Use Class C3)
Case Officer:	Kate Glover
Site Visit:	11th June 2026
Application Expiry Date:	29th July 2026
Consultation reply date expired:	2nd July 2026

APPLICATION SITE

The development site is a 2 storey detached building which is built into steeply sloping ground. The topography of the area results in the principal elevation of the building appearing as a single-storey building, benefiting from a small front amenity area with access via Wesley Place. However, the rear of the building is accessed via steps leading up from Tram Road.

The ground floor (accessed via Wesley Place) is used as an artist's studio (Use Class B1) and the lower floor (accessed via Tram Road) is used as a short-term holiday let (Use Class C6).

A sports court is located to the north of the site, and the neighbouring dwelling's parking/amenity area is located to the south.

The site is located within the Other Growth Area, as defined in the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016–2031 (LDP), and within the settlement boundary. It is also noted that the front amenity area of the site falls within an area identified as being at risk of surface water flooding (Flood Zones 2 and 3).

PROPOSED DEVELOPMENT

This application seeks full permission to convert the artist's studio into a 2 bedroom flat. The proposed internal layout illustrates that the bedrooms would be located at the rear of the flat and the living room/kitchen/dining area and bathroom would be located at the front of the property. No external alterations are proposed to facilitate the proposed change of use.

In respect of biodiversity enhancements 3 swift boxes would be erected on the northwest elevation of the building.

In respect of drainage and to assist in the control of surface water disposal due to the sites relationship with the identified flood zones, runoff from the roof would be directed towards a planter which in turn discharged to the existing drain which is located at the front of the building. The purpose of the proposed planter is to slow surface water which currently discharges directly to the drain.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/23/0029 Conversion to an Artists Studio (B1 use class) and Short Term Holiday Let (C6 use Class)
Approved: 24 Mar 2023
- P/20/0171 Convert the ground floor of the chapel into an artist studio with associated accommodation in the lower ground floor of the chapel and within the office building
Approved: 17 Sep 2020

CONSULTATION

Planning Policy Officer:	No objections.
Head of Engineering and Highways:	No objection subject to conditions.
Head of Engineering and Drainage:	No objection.
Environmental Health Manager:	No objections received.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and a 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) (Future Wales) 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) (PPW).

The policies in PPW are supported by Technical Advice Notes (TANs), and the most relevant to this application is TAN 15: Development, Flooding and Coastal Erosion (TAN15). The following paragraphs are relevant to this application:

Paragraph 3.8 states that: *“During flood events, excess water will naturally flow downhill and will be diverted by fixed obstacles such as buildings. During shallow floods, small changes in surface levels such as pavements will affect the flow of water and it can pool in very minor depressions in the landscape. When a site is developed in areas at risk, or near a risk, it will potentially change the expected flow of water during a flood. It is important that planning authorities are provided with a clear assessment of how a development will affect surface water and ordinary watercourse flood risks.”*

Paragraph 4.2 requires that: *“The Flood Map for Planning is the starting point for consideration of flood risk in the planning system. The map uses flood zones to indicate the degree to which land is at risk of flooding from rivers, the sea, surface water and small watercourses. This TAN outlines the actions that should be taken when considering development in the different flood zones. Figure 1 sets out the definition of the main zones. Zone 1, and Zones 2, 3 and the TAN 15 Defended Zones are collectively referred to as ‘flood risk areas’ throughout this document.”*

Paragraph 6.2 advises that *“Surface water and ordinary watercourse flood risk management are the responsibility of Lead Local Flood Authorities (LLFAs). The LLFA has an important role in advising on surface water and ordinary watercourse flood risks for its area and the planning authority must seek the LLFA’s views on how to incorporate the findings of its Strategic Flood Consequences Assessment on these risks into its Development Plan policies. It should also seek the LLFA’s views on planning applications where surface water and ordinary watercourse flood risk is potentially a reason for refusal or where the risk is proposed to be managed or mitigated.”*

Paragraph 6.9 states that: *“The planning authority should also seek advice from the relevant Lead Local Flood Authority on the risk from surface water flooding and other local sources of flooding, including ordinary watercourses. This should enable the planning authority to arrive at a judgement on the acceptability of the flooding consequences. Where development is allowed, developers must put plans or measures in place to manage those consequences. Such measures must be capable of being implemented at the appropriate stage as part of the development and, where necessary, long-term maintenance must be provided.”*

Local Planning Policies

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

- 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 SW13: Protecting and Improving Local Community Facilities
- Policy EnW1: Nature Conservation & Ecosystem Resilience

- Policy EnW4: Environmental Protection

Furthermore, any planning application would be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1: Affordable Housing (March 2012)
- Note 2: Planning Obligations (March 2012)
- Note 4: Sustainable Design (July 2013)
- Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to the principle of development and loss of a community facility, flood risk, impact upon the character and appearance of the property and the street scene, impact upon the residential amenity of neighbours, highway safety and ecology.

Principal of Development, and Loss of a Community Facility

The application site is located within the settlement boundary and as such the principle of development is acceptable subject to other relevant policies and material planning considerations.

The proposal would result in the loss of the artist's studio which is considered to be a community facility. LDP Policy SW13 serves to protect community facilities from being lost, and states that *“Development proposals that would result in a loss of an existing community facility will only be permitted where:-*

- *alternative provision of at least equivalent value to the local community can be provided nearby, or*
- *it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or*
- *it can be demonstrated there is no longer a viable community use for the facility”.*

The Policy Team raises no objection to the proposal to convert the artist's studio into a residential flat. The team also notes, information submitted with previous planning applications (P/20/0171 and P/23/0029) indicates that the entire building has been vacant since 2018.

The current application is supported by evidence demonstrating both the commercial unviability of the artist's studio and the close proximity of the site to alternative community facilities. Specifically, the site is served by the Halo Aberfan Community Leisure Centre (0.9 miles distant) and The Willows Centre, Troedyrhiw (2.1 miles distant).

Supporting evidence indicates that the studio was previously used for private rental and art classes. However, due to a sustained lack of local interest in these services, the business is no longer viable.

Given the planning history of the site, the lack of commercial viability, and the availability of alternative provisions nearby, the proposal is considered to comply with Policy SW13.

Flood Risk

The site is situated within a steeply sloping topography, with the ground levels of Wesley Place falling sharply away from the property towards the north. However, the Welsh Government's Flood Map for Planning (TAN15) identifies the site as falling within Surface Water Flood Zones 2 and 3. The proposed conversion from an artist's studio to a residential flat represents a change of use from a 'less vulnerable' use to a 'highly vulnerable' residential use.

The Head of Engineering and Drainage has evaluated the site's specific flood mechanisms and identifies a small culvert inlet is located to the east (behind Llwyncelyn Cottages), with the culvert routing beneath the centre of the application site. The Drainage Engineer advises that in the unlikely event this culvert inlet overtopped, surface water would be naturally channelled away from the building, travelling down Wesley Place along the kerb edge. Given the small scale of this local hydrological system, the likelihood of floodwater breaching the kerb and entering the property is considered low.

While the submitted Design and Access Statement (DAS) acknowledges the surface water flood zone designation, no formal Flood Consequence Assessment (FCA) has been submitted. Typically, highly vulnerable development requires an FCA. However, in this specific instance, the combination of the steeply sloping local topography and the definitive technical assessment provided by the Council's Drainage Engineer provides sufficient confidence that the actual risk to life and property is negligible.

To proactively manage surface water, the DAS proposes the installation of a Sustainable Drainage (SuDS) planter. Roof runoff currently discharges directly to a ground drain in the front amenity area. The proposed SuDS planter would attenuate this roof water, and in a flood event, should surface water overtop the kerb, the planter will slow down the combined discharge entering the local drainage system, offering a localised betterment.

Given the definitive site-specific comments from the Head of Engineering and Drainage alongside the implementation of the SuDS planter, the development is considered to satisfy the underlying safety objectives of TAN15. Furthermore, as the identified risk is strictly restricted to surface water and does not trigger the thresholds of the Town and Country Planning (Notification) (Wales) Direction, a formal referral to the Welsh Government is not required.

Accordingly, it is considered that the development meets with the requirements of TAN15.

The planning application does not need to be referred to the Welsh Government as the proposal involves the reuse of brownfield land.

Visual Impact

The property retains some characteristics of its historic use as a chapel and makes an attractive contribution to the street scene.

The exterior would not be the subject of any external alterations, such as extensions and no new window openings are proposed

As such, it is considered that the scale of the proposal would not be detrimental to the visual qualities of the property or wider street scene.

Therefore, the proposal meets the requirements of LDP Policy SW11.

Residential Amenity

The site is located within a predominantly residential area, and no external alterations, such as extensions or new window openings are proposed.

While the ground floor is already in residential use, the use of the first floor as an artist's studio would inherently generate commercial footfall, noise, and general disturbance. In contrast, a residential flat is considered compatible with the existing ground-floor dwelling. Furthermore, the development will be subject to separate Building Regulations approval and control the required sound insulation to prevent internal transmission and safeguard the amenity of both occupiers.

As such, the proposal meets with the requirements of LDP policy SW11.

Highway Safety and Parking

The Head of Engineering and Highways has raised no objection to the proposal. They acknowledge that there is an existing under-provision of off-street parking at the site, with no dedicated spaces currently allocated to either the ground floor flat or the first-floor studio.

The proposed residential conversion is not anticipated to generate a material increase in traffic or parking demand over and above the existing commercial use. As the proposal maintains the existing parking arrangement, it would have no significant or detrimental impact on the safety or capacity of the local highway network.

The Head of Engineering and Highways recommended a condition requiring details of a bin storage area to be submitted and approved prior to beneficial occupation. However, during the site inspection, it was observed that the property benefits from a front amenity area with ample, readily available space to accommodate domestic refuse and recycling bins.

Consequently, enforcing a pre-occupation planning condition for a bin storage layout plan is considered both unnecessary and unreasonable. It fails to meet the statutory tests for planning conditions, as sufficient onsite provision is already available and no specific highway safety concerns have been identified.

Accordingly, the proposal therefore complies with LDP Policy SW11.

Ecology

The Council's Planning Ecologist has raised no objections to the proposal, subject to the incorporation of proportionate biodiversity enhancements. It is noted that the submitted plans illustrate the installation of 3 No. swift boxes, which are to be positioned on the north elevation of the property and at a height of seven metres above ground level.

Consideration has been given to Chapter 6 of Planning Policy Wales (Edition 12), which requires development proposals to be supported by a Green Infrastructure Statement (GIS). However, PPW12 explicitly states that a GIS must be proportionate to the scale and

nature of the development. Given that this application strictly involves an internal conversion with no external building alterations, no site operations, and zero impact on existing green space, the formal submission of a GIS is considered disproportionate and unreasonable in this instance.

Notwithstanding this, the proposed swift boxes provide meaningful ecological enhancement. By introducing new habitats to the local area, the scheme positively contributes to wider local green infrastructure and ecological resilience. The development therefore complies with the objectives of LDP Policy EnW1.

Planning Obligations

The Policy Team advise that as the proposal is for one new residential unit, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable in this part of the County Borough.

As such, the proposal complies with LDP Policy SW9.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Title: Block Plan, Drawing No: 260501 PL 002, Received on 03 June 2026.

Drawing Title: Proposed Ground Floor Plan, Drawing No. 260501 PL 004, Received on 03 June 2026.

Drawing Title: Elevations, Drawing No. 260501 PL 005, Received on 03 June 2026.

Drawing Title: Section A-A, Drawing No. 260501 PL 006, Received on 03 June 2026.

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

3. **Prior to the development hereby approved coming into beneficial use** the three swift boxes shall be provided in accordance with approved plan Drawing Title: Elevations, Drawing No. 260501 PL 005. The swift boxes shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Development Plan (2016-2031).

INFORMATIVES

1. The applicant's attention is drawn to the fact that a section of the front amenity space falls within Surface Water Flood Zones 2 and 3. The applicant has formally acknowledged this location and explicitly accepts all ongoing responsibility for managing, mitigating, and bearing the risks associated with potential surface water flooding in this specific area. This consent does not imply any liability or obligation on the part of the Local Planning Authority or Lead Local Flood Authority regarding future drainage or flooding issues on the site.
2. The applicant's attention is drawn to the presence of a culvert routed beneath the application site. Please note that the granting of planning permission does not alter, override, or transfer any existing legal liabilities regarding this infrastructure. The responsibility for the structural integrity, maintenance, clearance, and repair of the culvert rests jointly and severally with the relevant landowners and/or riparian owners of the building. Independent legal or structural advice should be sought to clarify individual liabilities between the respective property owners.
3. 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.

4. 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*

PP. Director of Neighbourhood Services

DATE: 27th July 2026