

DELEGATED REPORT

Application No:	P/20/0223
Site Address:	Yr Hen Stordy Ladysmith Place Merthyr Road Troedyrhiw Merthyr Tydfil
Development:	Change of use of ground floor commercial unit to residential use
Case Officer:	David Cross
Site Visit:	4th December 2019
Application Expiry Date:	16th November 2020
Consultation reply date expired:	11th December 2020

APPLICATION SITE

This application relates to a former garage building, which accommodates an existing flat at the first floor level. The property is located within the predominantly residential area of Troedyrhiw. The site is bound to the north and south by adjoining residential properties, to the west is Troedyrhiw Junior School and to the east is a lane serving the site.

The garage building provides two large timber doors on the front aspect of the building with a number of smaller windows provided at first floor level serving the flat. Access to the flat is via a shared entrance with the garage on the side of the building.

To the front of the garage is a driveway, which is partially shared with the neighbouring residential properties.

PROPOSED DEVELOPMENT

Planning permission is sought for the change of use of the ground floor garage to residential to form part of the flat. It is proposed that that ground floor would accommodate a kitchen area and a living/dining area and the upper floor would provide two bedrooms and bathroom facilities.

The existing garage doors on the front of the building would be partially blocked up and replaced with a new window. Patio doors would be provided on the rear elevation to provide access on to a new raised patio area, measuring approx. 6m by 2m deep and 0.75m above the sloping ground of the rear garden. Additionally, a window would be provided on the side elevation at ground floor level.

PLANNING HISTORY

There is no relevant planning history relating to this site.

CONSULTATION

Head of Engineering	-	No objection
Natural Resources Wales	-	No objection
Welsh Water	-	No response

PUBLICITY

In accordance with the Town & County Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties.

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040:

- Policy 8 (Flooding), sets out the Welsh Governments ambitions to manage flooding and to enable the sustainable strategic growth and regeneration of National Growth Area. It is not appropriate to develop flood risk management infrastructure to enable the development of previously un-used land. There is a focus on delivering nature based schemes and the enhancement of existing flood defences to improve the protection of developed areas.

Planning Policy Wales, 11th Edition, February 2021:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Para 6.6.22 – 6.6.27 note that flooding as a hazard involves the consideration of the potential consequences of flooding as well as the likelihood of an event occurring. Development should reduce and must not increase flood risk arising from river and/or coastal flooding on and off the development site itself.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016
- TAN 12, Guidance on Design and Access Statements, March 2016
- TAN 15, Development and Flood Risk, July 2004

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP) 2016 – 2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection

Supplementary Planning Guidance (SPG)

- SPG4 - Sustainable Design, July 2013
- SPG5 - Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use

The application site lies within the settlement boundary where the majority of new development is generally encouraged by policy SW4 of the LDP. Part of the building is already utilised for residential purposes. The principle of the development is acceptable.

Notwithstanding the above, the site lies within an area deemed to be at risk from flooding (C2 Flood Zone) as identified on the DAM maps produced by Natural Resources Wales.

It is acknowledged that residential use is classed as '*highly vulnerable development*' and is not normally permitted within C2 Flood Zones due to the high risk of flooding. Accordingly, a Flood Consequence Assessment (FCA) has been submitted in support of the application.

The response received from Natural Resources Wales (NRW) indicates that the FCA demonstrates that the risks and consequences of flooding can be managed to an acceptable level. As such, NRW have not raised any objection to the proposal.

It is noted in the FCA that the internal ground floor level would be elevated to 139.095m AOD to ensure the property does not flood during a 1% (1 in 100 year) flood event. NRW have noted that the rear garden would flood during the same flood event. However, given that this area already serves the flat, no adverse comments were raised.

The principle of the development is generally supported in these circumstances, given that there is already an established residential use. The former garage use ceased and has remained vacant for a considerable time. The building is evidently in a poor condition and needs refurbishment. Given the location of the building alongside a narrow lane surrounded by residential properties, it is unlikely that an alternative commercial business would occupy part of the building. The proposal to extend the use of the flat to the ground floor would enable part of the building to be brought back into beneficial use. This in turn would improve the quality of the surrounding area.

During a flood event the upper part of the building would continue to provide a safe area for the residents and during a 1 in 100 year flood event, part of the lane would remain flood free, providing a suitable means of escape. Having regard to the particular circumstances of this development, appropriate measures have been put in place to minimise/avoid any unnecessary flood risk. An appropriately worded condition shall also be imposed to ensure the internal finish floor level is raised in accordance with the recommendations of the FCA. Accordingly, the principle of the development is acceptable.

Design and amenities

The alterations to the exterior of the building would greatly improve its appearance, which is currently in a poor condition. The replacement of the existing garage doors with a new window would give the building a domestic appearance that compliments the character of the surrounding residential area. It would also improve the level of natural surveillance along the lane. The provision of patio doors on the rear elevation would also provide better access to the garden area. Due to the raised internal floor level, the side entrance would also be raised slightly resulting in an additional step and railings.

Due to the sloping nature of the rear garden area, which partly dips down below the level of the neighbouring gardens, it is proposed that a raised patio would be provided. Whilst the raised patio may have some potential give rise to some increased overlooking into the adjoining gardens, it is noted that the properties to the north are largely screened by out buildings and a hedgerow. The property to the south is in the applicant's ownership with a fence that appropriately separates the gardens.

Minor alterations are proposed to the existing windows at first floor level, with an additional window provide on the rear elevation. These alterations would not amount to an increase in overlooking of the neighbouring properties. Similarly, the windows proposed on the front and side elevation would not adversely impinge on the amenities of the neighbouring occupiers. In this regard, it is acknowledged that no objections were received from local residents as a result of this publicity exercise in respect of any loss of privacy. The overall design of the development is acceptable and would not adversely impact on the amenities of neighbouring occupiers. Accordingly, the proposal complies with policy SW11 of the LDP.

Highways

Adequate off-street parking would be provided on the existing driveway to the front of the building, which can accommodate one parking space. It is noted that the driveway could provide additional space. However, part of the driveway is utilised to provide access to the adjoining properties. The Head of Engineering has not raised any highway safety concerns

and it is not anticipated that the proposal would give rise to a significant increase in traffic movements. Therefore, the proposal complies with policy SW11 of the LDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. 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 No. YHS:PL:02 Rec C, Proposed Plans, received 25.11.2020
- Flood Consequence Assessment, date 11.11.2020

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

16/3/21