

DELEGATED REPORT

Application No: P/23/0168

Site Address: Tynewydd
Nixonville
Merthyr Vale
CF48 4RG

Development: Change of use of land to garden

Case Officer: Nia Chard

Application Expiry Date: 26th October 2023

**Consultation reply date
expired:** 27th July 2023

APPLICATION SITE

The application site relates to a rectangular narrow plot of land situated adjoining the side garden of Tynewydd, Nixonville, Merthyr Vale. The site measures approximately 5m wide and 25m deep, is bounded to the south and east by undeveloped land, and a highway to the west.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the land to provide an extended garden area to serve Tynewydd. The area measure approximately 125m².

The proposal also includes the enclosure of the land with a 1.8m high timber boundary fence.

PLANNING HISTORY

No relevant planning history

CONSULTATION

Estates Department: No objection.

Ecologist: No objection.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

Technical Advice Note (TAN) 12 – Design

Technical Advice Note (TAN) 15 – Development and flood risk

Local Policy

Merthyr Tydfil County Borough Council 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 EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 6 – A Design Guide for Householder Development

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and within a predominately residential area. As such, the principle of the change of use of the land to garden and

developing it within this use is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

Impact on character and appearance

The proposed extension to the garden of Ty Newydd and the use of the land for residential purposes is considered to be in keeping with the residential character of the area and would not appear out of place. With regard to the boundary treatment proposed, it is noted that close boarded timber fencing is common within the area and indeed would match the existing rear boundary treatment of the dwelling in terms of material, design and height. As such this element of the proposal would not harm the character or visual amenities of the dwelling itself or the area in general. As such the proposal is found to be acceptable in this respect and would accord with Policy SW11 of the LDP.

Residential Amenity

The proposal extension of curtilage would not have any notable impact on the residential amenities of the neighbouring occupants. Moreover, the proposed boundary enclosure would be of a standard height and thus would not have any harmful impact on neighbouring properties or occupants. The proposal therefore again complies with Policy SW11 of the LDP.

Flood Risk

The planning application proposes highly vulnerable development (residential). NRW's Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers).

Section 6 of TAN15 requires a Local Planning Authority to determine whether the development at this location is justified by considering the tests set out in section 6.2 of TAN15. In considering test (i) to (iii) the LPA is of the view that these tests are not met because the scheme proposes an extension to a residential garden, which does not form part of a local authority regeneration initiative or key employment objective. Notwithstanding that the application does not meet these tests, if these were satisfied, the final test (iv) requires the applicant to demonstrate, through the submission of a flood consequences assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level. A FCA has not been submitted for this application and therefore the proposal does not meet the relevant tests of Section 6 of TAN15, the application cannot be supported.

Conclusion

Whilst the principle of a change of use to residential within the settlement boundary is acceptable and for the most part the development does not result in concerns regarding visual or neighbouring amenity, or highway safety, the application cannot be supported because it proposes highly vulnerable development (residential) in Flood Zone C2. The development does not meet the relevant tests of Section 6.2 TAN 15 (i) and (iii).

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 REFUSED for the following **REASON:**

1. The proposed change of use of land to residential would result in a highly vulnerable form of development located in a Flood Zone C2 contrary to TAN 15 Development and Flood Risk (July 2004) and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services



DATE: 24.10.2023