

DELEGATED REPORT

Application No:	P/23/0133
Site Address:	Former Ynysgau Chapel Wyndham Street Troedyrhiw Merthyr Tydfil CF48 4JY
Development:	Demolish derelict chapel and construct 2 dwellings
Case Officer:	Marlene Ferreira
Site Visit:	8th June 2023
Application Expiry Date:	11th December 2023
Consultation reply date expired:	31st October 2023

APPLICATION SITE

The application site relates to a former chapel, Ynysgau Chapel, located in Wyndham Street, a no through road, in Troedyrhiw. The chapel lies at the end of a terraced row of properties and appears to have been unused for many years since it is completely derelict and the site is significantly overgrown.

The application site appears relatively flat, however, the front highway rises gently from the north to the south. The chapel adjoins 35 Wyndham Street to the north, the adopted highway Wyndham Street to the east, vacant land to the south (and 34 Wyndham Street beyond), and vacant land to the rear (and the railway line beyond).

The area surrounding the site is residential in character and largely comprises traditional terraced properties with on-street parking along the front highway. The end of the street however comprises a relatively new and modern residential estate containing a total of 6 red brick terraced dwellings with front parking areas.

PROPOSED DEVELOPMENT

This application seeks planning permission to demolish the remains of the chapel and construct 2 semi-detached dwellings.

The pair of dwellings would be set back approximately 6 metres from the front highway and would each measure 5 metres wide, 8.5 metres deep with an 8.6 metre ridge height. Each would comprise a lounge, kitchen/diner and WC at ground floor and 2 bedrooms (1 with en-suite) and a bathroom at first floor. It would be finished with mock slate roof tiles, rendered elevations and UPVc windows. The dwellings, which would be orientated with an east facing frontage, would be served by small rear rectangular garden areas to the

west. A driveway to accommodate 2 parallel parking spaces would be located to the front (east) of the property.

PLANNING HISTORY

The Council's records do not show any relevant or recent planning history for this plot.

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Officer	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.
Natural Resources Wales	No objection.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, adjoining properties were consulted and three site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and 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...'

Paragraph 3.9 refers to character and 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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...'*

Paragraph 3.14 refers to context appraisal and states that these *'...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

Paragraph 3.55 states that *'...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. 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 4.2.17 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...'*

Paragraph 6.4.3 discusses biodiversity and states that *'...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 6.6.22 advises on flooding and explains that *'... the climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals...'*

- TAN (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is*

carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

TAN 15 – Development, Flooding and Coastal Erosion (2021)

This TAN provides guidance that supplements those set out in PPW policies in respect of flooding. It provides a framework within which the flood risks arising from rivers, the sea and surface water, as well as the risk of coastal erosion can be assessed. It goes on to advise on the consequences of the risks and adapting to and living with flood risk.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

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

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and whether, the dwellings, in terms of their siting, scale and design, would be acceptable with regards to their impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided the proposal is compatible with other relevant policies and material planning considerations.

The northern edge of the application site also lies within a Zone C2 of the Development Advice Map (DAM). In the Flood Map for Planning, which represents the most up to date information on flood risk, it identifies this site as being at risk of flooding since the proposed dwellings would lie within Flood Zones 2 and 3 (Rivers). Thus, without further information as to how flood risk could be managed, Natural Resources Wales (NRW) initially raised concerns with the proposal and requested that further information be submitted in respect of flood risk.

In order to overcome the concerns raised, the agent submitted a Flood Consequence Assessment (FCA). The FCA demonstrated that the application site is predicted to be flood free in the 1% plus climate change allowance (CCA) using detailed flood modelling. The FCA references two sets of levels for the site and finished floor levels (FFL). It recommends site ground levels are set to at least 140.07m AOD (Above the Ordnance Datum) and FFL are set 300mm higher at 140.37m AOD. NRW have considered the information submitted and are satisfied that *'...the proposal is designed to be flood free, with the modelled 1% CCA defended event shown as 138.83 m AOD...'* NRW have gone on to state that *'...TAN15 A1.15 Criteria The 0.1% present day modelled flood level is shown as 140.07m AOD. Based on the lowest proposed site ground level above (139.68m AOD) the site could experience flood depths of up to 0.39m (390mm), which does not exceed the threshold i.e. 600mm of Table A1.15. Therefore, any additional raising of FFL will mitigate this flood risk further. The FCA also demonstrates there is a flood free pedestrian access available to the southeast of the site (footpath connecting Wyndham Street and Cardiff Road). This is not anticipated to flood under all fluvial flood events...'* Following the receipt of NRW comments, and in order to provide clarity in respect of flood levels, amended plans were requested to clearly show the proposed ground levels and finished floor levels to ensure that these were strictly in accordance with the FCA. The amended plans clearly show that the ground levels would be 140.07 and that finished floor levels would be 140.43. Indeed, the proposed ground and finished floor levels clearly show that the proposed dwellings have been designed to be flood free. NRW has therefore not raised an objection to the proposed development.

It is acknowledged that the proposal would result in the construction of two dwellings, classed as a vulnerable development, in a flood zone, on a site where a less vulnerable development (chapel) currently exists. However, it should be noted that the derelict chapel, which sits amongst residential properties, is in a very poor state of repair and currently has a negative impact on the character and appearance of the street scene and immediate area. The demolition of the remaining chapel and the redevelopment of the site, (which could otherwise remain as a derelict or vacant brownfield site), is therefore welcomed. Indeed, in this context, the construction of semi-detached properties, at the stipulated ground and finished floor levels, would be deemed fitting to the character and appearance of the area, in particular the relatively new dwellings located to the southwest and would not be at risk of flooding, as confirmed in NRW's response discussed above. Thus, in this instance, the proposal would result in an acceptable form of development in this location which would accord with LDP Policy EnW4.

Character and Appearance

The proposed dwellings would be located off Wyndham Street and would be served by a front driveway, an east facing primary elevation and a west facing rear garden. Their layout would therefore be very similar to the newer residential development located to the south of the application site.

With regards to the dwellings themselves, the proposal would represent modest two storey dwellings with a suitable fenestration arrangement and simple design. Details of their material finishes have not been stipulated, however the proposed plans suggest that they would have brickwork elevations, which would be sympathetic in this setting, since the relatively new residential development to the south, as previously noted, are also finished in brickwork. Whilst the dwellings would include a rear roof dormer, this would amount to small scale dormer window centrally located within the roof of each dwelling and would therefore not dominate or appear disproportionate to the rear roof elevation. Furthermore, given their siting on the rear roof, these would not be visible within the street scene and as such, would not be considered to disrupt the character or appearance of the dwellings when viewed individually or within the wider street scene. The dwelling's ridge height however would be approximately 0.5 metres higher than the existing traditional terraced dwellings to the north. However, the proposed dwellings would be significantly set back from the front highway and as such would not be readily visible in context with the existing traditional terraces, when viewed within the wider street scene. It should also be noted that their higher ridge height would follow the gradient of the road, which, as previously mentioned, rises gently from the north to the south, and as such would appear acceptable in this context.

The proposed semi-detached dwellings would therefore result in an acceptable form of development within this context, which would not be deemed detrimental to the character or appearance of the area. As such, the proposal would comply with LDP Policy SW11.

Residential Amenity

The semi-detached properties would sit between the traditional terraced dwellings located to the north and the modern terraced dwellings located to the south, and these are the properties most likely to be affected as a result of the proposed development. It should be noted however that no letters of representation have been received in respect of this proposal.

The properties, as explained above, would be set back into the site approximately 6 metres. As such, the proposed front parking area would lie largely adjacent to the gable end of the terraced property 35 Wyndham Street, located to the north. Given their set back into the site, the proposed side elevation of the dwellings would therefore extend 8.5 metres along the dividing boundary. This relationship would be somewhat overbearing upon the rear garden of this neighbouring property and generate some overshadowing/loss of light into their rear windows and rear garden, particularly since the proposed dwellings would be sited to the south. However, this neighbouring property has additional garden space located further to the west and as such, not all of their private amenity space would be affected as a result of this proposal. It should also be noted that the proposed dwellings would replace an existing chapel, which although slightly lower in height, also extends alongside the dividing boundary with this neighbouring dwelling. Thus, any overshadowing/loss of light resulting from the new development upon the rear facing windows or garden area of this neighbouring property would not be significantly

greater and would therefore not warrant the refusal of the application on this basis. Furthermore, the absence of any side facing windows would safeguard this private amenity area. Thus, on balance, it is considered that the proposed development would not have a significantly detrimental impact upon the privacy or amenities of these adjacent neighbouring occupiers and would therefore be acceptable in this instance. The proposal would therefore accord with LDP Policy SW11.

With regards to the impact the proposed development would have on the properties located to the south, relating to the newer residential estate of 6 dwellings, it should be noted that these neighbouring properties are located further back and at a higher level to the application site. In addition, they are sited approximately 5.5 metres apart. As such, given the layout of the proposed dwellings and their relationship with these neighbouring properties, the proposal would not be considered to have any adverse impact on the privacy and amenities of these neighbouring occupiers. As such, the proposal would accord with LDP Policy SW11.

Ecology

The Council's Ecologist has considered the proposed scheme and given the condition of the former chapel, a Preliminary Roost Assessment was requested to be submitted in support of the application. A bat report was received on the 11th April 2024 which included certain mitigation and enhancement measures set out in the recommendations of the report, such as the carrying out of works outside the roosting period, the provision of bird and bat boxes and a planting scheme. The Council's Ecologist has considered the report and concluded this to be acceptable. As such, a suitably worded condition could be added to any planning permission granted to ensure such mitigation and enhancement measures are carried out. The proposed development would therefore be acceptable and comply with LDP Policy EnW1.

Parking Provision and Highway Safety

The proposed dwellings would each be served by two front parking spaces, which would be accessed off Wyndham Street. This would involve reversing movements onto Wyndham Street. The Head of Engineering and Highways has considered the proposal in respect of on-site parking provision and highway safety and has not raised any objections. Whilst they have noted that a 3 bedroom property would normally require 3 parking spaces and this proposal would ultimately result in the shortfall of 2 parking spaces, they have noted that there is additional on-street parking available along the front highway, whereby additional parking provision could be accommodated. In addition, the existing chapel, although derelict, has a far greater off-street parking requirement than the proposed dwellings, and therefore, the shortfall, on balance, is considered acceptable. Furthermore, no other concerns have been raised in respect of the reversing movements, associated with the use of the proposed parking spaces, onto the front highway. The proposed development would therefore not give rise to any adverse highway or pedestrian safety concerns and would comply with LDP Policy SW11.

CONCLUSION

For the reasons set out above the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, 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:

- 950.003 – Proposed floor plans and elevations and proposed street scene, received: 29th October 2024;
- 950.002 - Proposed levels, proposed sections and proposed street scene, received: 29th October 2024;
- Bat Survey Report, received: 11th April 2024;
- Flood consequence Assessment, received: 17th October 2023.

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

3. **Prior to the commencement of development**, a plan indicating the design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved, before the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and in the interest of residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Prior to the construction of the dwellings hereby approved, details of the materials to be used in the construction of their external surfaces 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.

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. Notwithstanding the provisions of schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no enlargements, improvements or other any other alterations, shall be carried out to the dwelling other than those expressly authorised by this permission.

Reason - In the interest of visual and neighbouring amenity, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. 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.

10. Prior to the installation of any external lighting, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:

- Dark routes from the nearby common pipistrelle maternity roost (35 Wyndham Street) and the bat boxes proposed on the new dwellings to suitable foraging areas and commuting routes.

The lighting scheme shall be carried out in accordance with the approved details.

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

11. Prior to the occupation of the dwellings, the proposed bat and bird boxes shall be provided in accordance with the Bat Survey report, received 11th April 2024, and in the locations specified on drawing 950.003 received 29th October 2024.

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

12. Prior to the occupation of the dwellings, a detailed planting scheme, to include management and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of planting to facilitate a dark flight path is required. This should include the planting of a native broadleaved tree on or adjacent to a dark flight path between 35 Wyndham Street and the foraging habitat on the western boundary;

All planting and seeding comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of development, and any trees or plants which within a period of 5 years from the completion of the each phase 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 biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
2. 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.

3. 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



Director of Neighbourhood Services

DATE: 12.11.2024