

DELEGATED REPORT

Application No: P/21/0210

Site Address: 2 Yew Street
Troedyrhiw
Merthyr Tydfil
CF48 4DZ

Development: Change of use from commercial premises with accommodation above to a 1 bedroom flat at ground floor, to include rear extension and 1 flat at first floor

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 1st March 2022

Consultation reply date expired: 12th July 2021

APPLICATION SITE

The application site relates to a vacant two-storey property located along Yew Street in Troedyrhiw. The information accompanying the application states that the ground floor of the property was last used as a takeaway with the first floor providing living accommodation in the form of three bedrooms and a bathroom. The immediate area surrounding the site is predominately residential in character. However, the property is located in close proximity to local retail centre of Troedyrhiw where there are a number of commercial properties.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the ground floor of the premise from a takeaway to a one bedroom flat. It also seeks permission for the construction of a new single storey rear extension. The living accommodation at first floor would remain in situ but would be converted to provide a single bedroom with associated living space (i.e. living room and kitchen). The ground floor would be subdivided to provide a lounge, bedroom and dining room. A kitchen and bathroom extension would be provided within the footprint of the proposed extension. The extension would measure 6.2m wide by a maximum of 3m in depth with a flat roof measuring 3.2m in height. Its rear elevation would contain three windows and a rear access door. No windows are proposed within either of the side elevations.

In addition to the above works, the plans detail minor changes to the ground floor front entrance door and window and reductions to the heights of two windows located within the ground floor south-eastern elevation of the existing two-storey rear gable.

PLANNING HISTORY

The planning history relating to the property is as follows:

P/02/0115 – Retention of north facing flue – Approved 11.07.2002

CONSULTATION

Head of Engineering:	No objection.
Planning Policy Officer:	No objection.
Ecologist:	No objection subject to the provision of on-site biodiversity enhancements.
Environmental Health Officer:	No response.
Natural Resources Wales:	Highlights that the application proposes highly vulnerable development within Zone C2 of the flood map. Advises that inadequate information has been provided in support of the application.
Welsh Water:	No objection.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW) – Edition 11, February 2021
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 SW9 – Planning Obligations
Policy SW11 – Sustainable design and Placemaking
Policy SW13 – Protecting and Improving Local Community Facilities
Policy CW1 - Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

As mentioned earlier, this application seeks planning permission to change the use of the ground floor of the premise from an A3 takeaway to a one bedroom flat. The application also seeks permission for the construction of a replacement single storey rear extension. As the application property is located within settlement limits and is within an area which is predominately residential in character, the principle of converting the ground floor of the property to provide an additional residential unit in the form of a one bedroom flat is acceptable under Policy SW4 and would not be out of character with the wider area.

Notwithstanding the above, the property is located within a C2 Flood Risk Zone. Accordingly, Technical Advice Note (TAN) 15 (2004) is of particular relevance to the consideration of this proposal. While it is acknowledged that the application is accompanied by a Flood Consequence Assessment (FCA), TAN 15 clearly states 'highly vulnerable development' (i.e. residential premises) should not be considered in flood zone C2. Section 6 of TAN 15 affirms that the justification tests in paragraph 6.2 of TAN 15 do not apply to highly vulnerable development in Zone C2 and highly vulnerable development should not be permitted. As such, a fundamental policy objection exists in relation to this proposal as it would involve the provision of highly vulnerable residential development within an area which is at risk of flooding. Further to this, NRW have reviewed the submitted FCA and have advised that the assessment fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level. In their comments they note that the FCA is not informed by any detailed site-specific flood data and does not meet the minimum technical requirements for assessing flood consequences set out in A1.17 of TAN 15. As such, taking into account the highly vulnerable nature of the development and the flood risk implications associated with it, the proposed development is considered to be contrary to national policy set out in TAN 15 and Policy EnW4 of the LDP.

Notwithstanding the fundamental issue highlighted above in relation to flood risk, the change of use of the property and the construction of the proposed single storey rear extension do not raise any specific issues in relation to highway safety, visual or residential amenity. Whilst acknowledging that the scheme does propose some minor changes to the front of the property, these alterations are not considered to result in harm to the visual appearance of the building. Indeed, the removal of the existing roller shutter doors and artificial stone cladding would help to improve the visual appearance of the property from the street. The alterations proposed to the ground floor window openings in the south-eastern side elevation of the property would also have no significant impact on the visual appearance of the property. The single storey extension proposed to the rear of the property, whilst being of a different design, would be of a very similar scale and height to the building which it would replace. As such, the proposed extension would not give rise to any significant impacts to neighbouring properties in terms of loss of light or overshadowing. It is also noted that the extension would provide a similar fenestration arrangement to the rear. Taking this into account, it is not considered that the new addition would give rise to a harmful level of overlooking. Accordingly, in this respect the proposal is in accordance with Policy SW11 of the LDP.

To conclude, while it is acknowledged that the property is located within a highly sustainable location within the defined settlement limits, the site is located within a C2

Flood Risk Zone and the scheme proposes highly vulnerable residential development residential, contrary to the advice set out in TAN 15. As such, there is a principal policy objection to the proposed conversion of the takeaway to residential, due to the risk of flooding.

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 proposal would introduce highly vulnerable residential development in Flood Risk Zone C2 and as such it would be contrary to Technical Advice Note (TAN) 15: Development and Flood Risk and Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/2/22