

# DELEGATED REPORT

**Application No:** P/23/0187

**Site Address:**  
**The Farm Shop**  
**Gelligaer Road**  
**Trelewis**  
**Treharris**

**Development:** **Outline planning permission for 5 detached dwellings**

**Case Officer:** **Marlene Ferreira**

**Site Visit:** **10<sup>th</sup> August 2023**

**Application Expiry Date:** **14th August 2023**

**Consultation reply date expired:** **30th August 2023**

## APPLICATION SITE

The application site relates to an existing commercial business, Cath's Farm Shop, located off Gelligaer Road in Trelewis. The site measures approximately 0.16 hectares and comprises the farm shop, a T Shaped building, set approximately 14 metres back from the main Gelligaer Road, which sells agricultural and equestrian supplies, including animal and pet feed, and includes some internal storage areas. Additional storage facilities are provided in a steel container located to the west and an existing outbuilding located to the east. A large car parking area is provided to the front and side of the premises, which serves the customer, staff and delivery parking requirements in association with the operation of the business.

The boundaries of the site are enclosed by high hedges and bound to the northwest by Gelligaer Road and residential properties beyond, to the southwest by a new residential development currently under construction and, to the southeast and northeast by open undeveloped land. The character of the area however, is predominantly residential. It is made up of mostly two-storey detached and semi-detached dwellings that have gabled frontages onto the road on the southern side of Gelligaer Road. Some properties on the northern side of Gelligaer Road have side gable elevations fronting onto the road. Similarly, the relatively new residential development further north, whilst comprising a mix of terraced properties alongside semi-detached and detached dwellings (along Manor View and River Avenue), it is their front and side elevations which make up the site's frontage onto the roundabout off Gelligaer Road.

## PROPOSED DEVELOPMENT

This application seeks outline planning permission to construct five dwellings. All matters (access, appearance, landscaping, layout and scale) are reserved for future consideration.

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the plans and supporting information include indicative details of the site layout, the position of the dwellings and their access provision. The maximum and minimum scale parameters of the proposed dwellings would be as follows:

Height: 8.1 metres minimum and 9.1 metres maximum;

Depth: 9.5 metres minimum and 10 metres maximum;

Width: 7.25 metres minimum and 7 metres maximum;

The indicative details illustrate that the proposed dwellings would be two-storey with reasonably sized rear garden areas. Each would be served by a minimum of 3 parking spaces to the front of each property. The five properties would be served by a t-shaped private driveway/road, off Gelligaer Road. A landscape area with a refuse collection point would be provided to the western part off the site.

The application is supported by:

- A Planning Statement;
- Ecology Report;
- Soft Landscape Strategy v2;
- Soft Landscape Masterplan.

## PLANNING HISTORY

The following planning history is relevant to this site:

P/12/0163 – Erection of single storey extension to building to provide storage – Approved: 31<sup>st</sup> July 2012.

## CONSULTATION

|   |  |
|---|--|
| Head of Engineering and Highways        | No objection, subject to a conditions. |
| Policy Officer                          | No objection.                          |
| Ecology Officer                         | No objection, subject to a conditions. |
| Environmental Health Manager            | No objection, subject to conditions.   |
| Welsh Water                             | No objection, subject to conditions.   |
| Bedlinog and Trelewis Community Council | No response.                           |

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, three notices were displayed within the vicinity of the site. No letters of representation have been 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 11 (February 2021)

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...*'

- TAN (Technical Advice Note)

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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

- TAN 18: Transport (2007) – This TAN provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

### Local Planning Policies

- The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 - Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG Note 2: Planning Obligations (March 2012)

SPG Note 4: Sustainable Design (July 2013)

SPG Note 5: Nature and Development (May 2015)

## PLANNING CONSIDERATIONS

The issues to consider under the assessment of this outline application relate to whether the principle of residential development at this site would be acceptable. The proposal must also be assessed with regards to its 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 – Other Growth Areas. LDP Policy SW4 supports new development in this area provided it is compatible with other relevant plan policies and material planning considerations. It is therefore considered that residential development in this location is considered acceptable in principle and would comply with Policy SW4.

Notwithstanding the fact that the development is considered acceptable in principle in this location, there are other site specific matters, which require consideration and have been addressed below.

## Character and Appearance

Matters relating to the scale and appearance of the dwellings have been reserved for future consideration. As such, the size of the dwelling, its design and the material finishes would be considered under a subsequent reserved matters application. Likewise, the proposed access, layout and landscaping is also reserved for future consideration. Thus, the access and parking provision to serve the properties and their arrangement within the site, amongst any landscaping proposed, would also be considered under a later application. Nevertheless, the indicative details submitted by means of a proposed site plan and scale parameters demonstrate that 5 detached two-storey dwellings with adequately sized rear gardens and front driveway/parking areas accessed via private road/driveway off Gelligaer Road, could be appropriately provided on the plot. Indeed, a residential development on this site would be considered more in keeping with the character and appearance of the area than a commercial business. As such, the proposal could provide an acceptable and spacious site layout, which could appear compatible with the surrounding context and would therefore not have an adverse impact on the character and appearance of the area. The proposed development could therefore accord with LDP Policy SW11.

## Residential amenity

The proposal in respect of its layout, would result in 5 detached dwellings which could have the greatest impact on the adjacent dwellings currently being constructed to the west of the site. The proposal shows that the proposed dwelling (plot 5) closest to the southwestern boundary would be positioned at least 0.7 metres from the site boundary and would be set back approximately 24 metres from the front of the site. As such, it would not be sited adjacent to this neighbouring dwelling. Instead, a proposed landscaped area, with refuse store (located approximately 8.7 metres from the dividing boundary to the southwest) would be located adjacent to the nearest neighbouring dwelling to the northwest. The parking area to serve the proposed dwelling on plot 5 would also be located adjacent the boundary with this neighbouring property. This relationship could therefore be considered adequate in preventing an unacceptable loss of light or an overbearing impact upon this neighbouring property. Whilst it is noted that the use of the driveway area in association with the proposed dwelling on plot 5 could result in some noise and disturbance to these nearby adjacent occupiers, such matters would be further considered under a reserved matters application. Indeed, the proposed driveway adjacent to the neighbouring boundary would result in a typical arrangement between residential properties which is common in many residential developments. However, it is noted that the front elevation of the proposed dwelling (at plot 5) would be sited approximately 9 metres from the rear elevation of this neighbouring dwelling. Whilst views from the

proposed dwelling to the existing dwelling would be at a slight angle, given their proximity, this relationship could potentially result in the loss of privacy to the existing neighbouring occupiers. Thus, the layout of the site, the design of the property and the siting of first floor windows would need to be carefully considered under a reserved matters application to ensure that the amenities of the adjacent occupiers are appropriately safeguarded as a result of this proposal.

The proposed layout and relationship between the application dwellings and the neighbouring dwellings could be considered acceptable and in accordance with LDP Policy SW11.

### Ecology

An ecological report has been submitted in support of the application which assesses the impact of the proposed development on protected species and their habitats. The proposed development could potentially have an impact on bats, nesting birds, reptiles, invertebrates etc. Accordingly, numerous protection/mitigation and enhancement measures are therefore highlighted in the ecology report. Such measures include carrying out of clearance and other works with the supervision of an ecologist, the erection of bat and bird boxes, the provision of wildflower garden areas, etc. The report has been considered by the Council's Ecologist who has not raised objections to the proposed development provided a condition requesting an Ecological Management Plan (EMP) is submitted prior to the clearance of the site. The EMP would fully consider the impact of the proposal and the enhancement measures suggested in more detail. As such, an appropriately worded condition would form part of any planning permission granted. The proposed development therefore accord with LDP Policy EnW1

### Parking Provision and Highway Safety

The submitted plan indicates that access into the site would be off the main road, Gelligaer Road, located to the northeast. The residential use of the site for five dwellings would not greatly increase the level of traffic movement along Gelligaer Road to the detriment of highway safety. Indeed, the site, which currently operates as a commercial business, is also served off the main road. Thus, the vehicular movements associated with the proposed use of the site for 5 dwellings would not be significantly greater when compared to the traffic movements associated with the existing use as a business.

The indicative layout plan illustrates that there is sufficient space within the site to accommodate three off-street parking spaces to the front of each of the dwellings. It is also noted that the general layout provides adequate manoeuvring space to enter and leave the site in a forward gear, preventing any reversing movements onto the main road. However, the parking spaces would entail reversing movements out into the private shared access road. The proposal has been considered by the Head of Engineering and Highways who has not raised any objections but has requested that the private access serving the 5 dwellings be constructed in accordance with standard detail 104 (Common Standard for Wales Highway Design Guide – private shared access serving up to 5 dwellings). It has also been requested that a 2 metre wide footway be provided along the site boundary where it abuts Gelligaer Road. As such, these requirements will be requested by way of an appropriately worded condition. Thus, the proposed development could be considered acceptable in respect of highway and pedestrian safety and accords with LDP Policy SW11.

## Other Considerations

### - Planning Obligations

LDP Policy SW9 sets out the requirements for planning obligations. Given that the proposal is for 5 dwellings, a financial contribution towards affordable housing would be sought. In this instance, a contribution of £26,000 towards the provision of affordable housing would be requested. This amount has been agreed with the applicant and will be secured under a Section 106 Legal Agreement.

## CONCLUSION

The proposed development, for the reasons discussed above, is considered acceptable and should therefore be approved.

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.

## **RECOMMENDATIONS: BE APPROVED subject to the following CONDITIONS AND THE SIGNING OF THE SECTION 106 LEGAL AGREEMENT:**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use.

- i) existing and proposed site levels including full cross sectional drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the position, height and material of all walls, fences and other means of enclosure;
- iv) full constructional and facing material details of any retaining walls over 1 metre in height;

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority an Ecological Management Plan. The plan shall include details of the following:

- a. An Ecological Mitigation Strategy for nesting birds, reptiles and invertebrates;
- b. A Bat Method Statement for the dismantling/demolition of the onsite buildings as a precautionary measure;
- c. Any proposed lawned areas will be seeded with EL1 - Flowering Lawn Mixture (or equivalent), this contains slow growing grasses with a selection of wild flowers that respond well to regular short mowing (EL1 Flowering Lawn Mixture - Emorsgate Seeds ([wildseed.co.uk](http://wildseed.co.uk))). Details will be supplied;
- d. Details of a wildflower meadow for the benefit of invertebrates;
- e. The provision of a sparrow terrace to be integrated into 3 of the new properties, details of which have been noted under the conclusion and recommendation section of the ecology report 'Land at Cath's Farm Shop, Trelewis. Ecological Assessment. Issue 1VB. Dated 02/06/23';

f. The provision of a bat box to be integrated into 3 of the proposed new properties, details of which have been noted under the conclusion and recommendation section of the ecology report 'Land at Cath's Farm Shop, Trelewis. Ecological Assessment. Issue 1VB. Dated 02/06/23';

g. A lighting plan demonstrating dark areas and routes for bats, including to and from the integrated bat boxes in the buildings. Any lighting will conform to the following recently updated guidelines - Guidance Note 8 Bats and Artificial Lighting, as stipulated in the conclusion and recommendation section of the ecology report 'Land at Cath's Farm Shop, Trelewis. Ecological Assessment. Issue 1VB. Dated 02/06/23';

h. Gaps (13cm x 13cm) at boundaries for passage of hedgehogs across the site;

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

**Reason** - To protect the local landscape and in the interests of biodiversity, to accord with Policies EnW5 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. 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 Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. **Prior to the construction of the dwellings**, details of a 2 metre wide footpath, to link the proposed development with Gelligaer Road, shall be submitted to an approved in writing by the Local Planning Authority. The footpath shall be completed in accordance with the approved details prior to the occupation of the dwellings.

**Reason** - In the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

**RECOMMENDATION ENDORSED**

  
pp. **Director of Neighbourhood Services**

**DATE: 31.10.2023**