

<b>DATE WRITTEN</b>	10th October 2022
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	David Cross
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	19th October 2022

**Application No.**  
P/21/0358

**Date**  
12th October 2021

**Determining Authority**  
MTCBC

**Proposed Development**

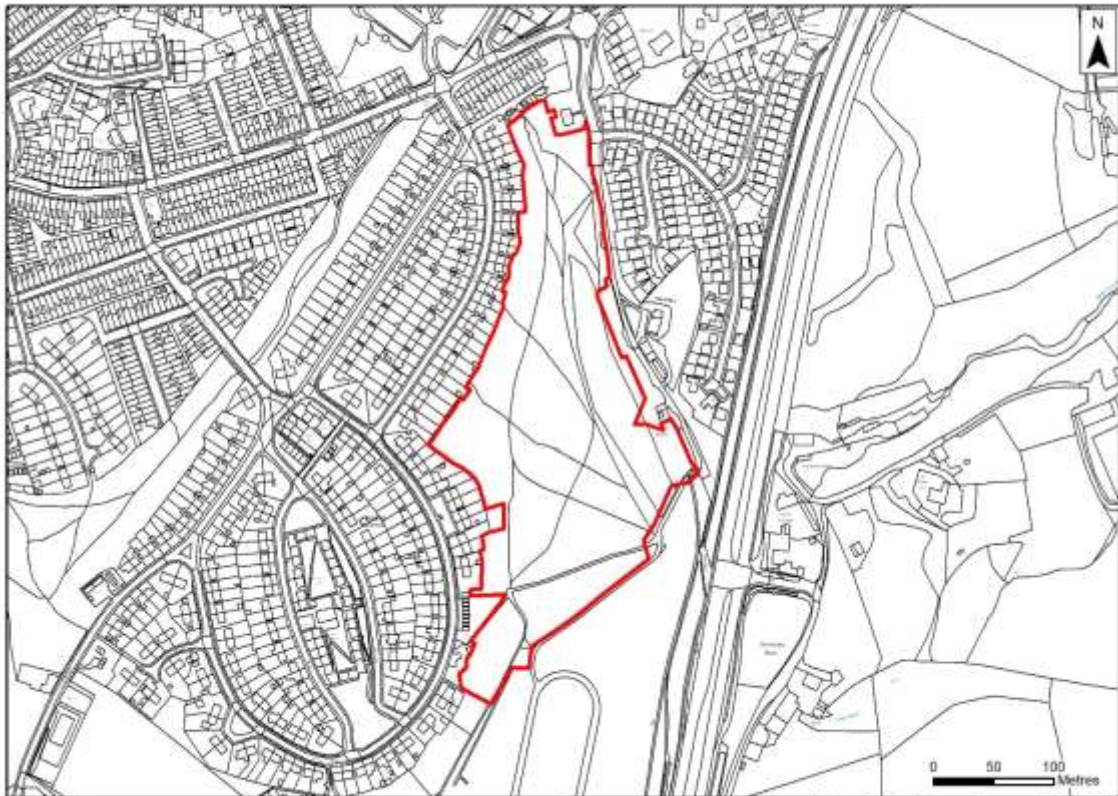
**Location**

**Name & Address of Applicant/Agent**

Residential development and associated engineering, access and landscaping works

Land Off Elm Tree Grove  
Twynyrodyn  
Merthyr Tydfil

Persimmon Homes (East Wales)  
c/o Mr Morgan Williams  
Persimmon Homes  
Llantrisant Business Park  
Llantrisant  
CF72 8YP



## **PURPOSE OF REPORT**

### **To further consider planning application P/21/0358**

A fact-finding visit took place prior to the Planning, Regulatory and Licensing Committee meeting held on the 24<sup>th</sup> August 2022. During the visit, several questions were raised which are summarised below:

- The adequacy of the play facilities and access to green open space.
- Highway safety, traffic and congestion concerns.
- Ground stability and past coal mining activities.
- The housing allocation for the site and the LDP consultation process.
- Air quality concerns.
- Capacity of the nearby schools to cater for additional children as a result of the proposed development.
- Ecological impacts and the loss of habitats.
- Consultation with the local residents during Covid restrictions.

All of the above issues raised during the fact finding visit were answered by the Principal Planning Officer and were fully considered in the report subsequently presented to the Planning, Regulatory and Licensing Committee.

The presence of deer on the site was also raised during the site meeting and photos were presented to members. Accordingly, further advice was sought from the Planning Division's Ecologist. It was advised that deer have some protection under the Deer Act 1991, which relates to poaching and hunting. It does not give deer or their habitat any special protection. Additionally, the Wildlife and Countryside Act does not specifically mention deer, except in relation to releasing them into areas where there are invasive non-native species. Nor does the Conservation of Habitats and Species Regulation mention deer in the list of European protected species. It was not clear from the photographs where the deer were spotted within the site or when the photos were taken. Notwithstanding this, there have been numerous surveys undertaken across the site with no evidence indicating the presence of deer. Given their low protection, it has been advised by the ecologist, that measures could be put in place to minimise any harm to deer during construction, which could be considered as part of the habitat management plan, required under recommended condition 23.

During consideration of the application at the Planning, Regulatory and Licensing Committee held on 24<sup>th</sup> August 2022 there was considerable debate in response to a number of issues raised, which included:

- Highway safety and traffic congestion within the vicinity of the site
- The capacity of the schools to accommodate the development
- The use of the green open spaces and playground
- Loss of vegetation across the site
- Air quality impact
- Ground stability and drainage concerns.

The Head of Engineering & Highways and the Director of Education also attended the Committee meeting.

In response to the questions raised regarding traffic impacts, it was acknowledged by the Head of Engineering & Highways that there are pre-existing highway issues and that the department are already in the process of preparing a draft design to improve the roundabout adjacent to the site. This would help to address traffic speeds approaching the roundabout and improve the pedestrian crossings. The Head of Engineering & Highways also advised that the existing highway could accommodate the construction traffic associated with the development, which would likely approach the site from the top of Penheolferthyr.

In response to the questions raised about the capacity of Twynyrodyn School, it was highlighted by the Director of Education that the number of children attending this school has reduced and plateaued. It was confirmed that there is surplus capacity to accommodate the development, as well as capacity in the nursery. The Director of Education recognised that the Council has an ambitious Local Development Plan (LDP) which will have impact on a number of schools across the County Borough. The catchment areas are currently being reviewed to ensure there are sufficient places available within the schools to deliver the proposals of the LDP. It was also highlighted that some children may choose to go to Welsh medium or faith schools, so they may not all attend Twynyrodyn school.

At the Planning, Regulatory and Licensing Committee meeting, it was resolved to defer the determination of the application to give members the opportunity to review the technical reports that were submitted in support of the application.

It was acknowledged by the officers that full details of the proposed development and the associated reports are available for public inspection on the Council's website and have been since the application was submitted. A link to the website, together with a guide on how to search for planning applications, were subsequently circulated to all committee members and the ward members.

### **COMMITTEE'S DECISION IS REQUIRED.**

A copy of the original report to Committee is reproduced below for committee's convenience.

#### **APPLICATION SITE**

This application relates to an area of vacant land measuring approximately 5 hectares in the predominantly residential area of Twynyrodyn, situated to the south of Penheolferthyr. The site lies between Wallhead Road/Aneurin Crescent to the west and Elm Tree Grove/Oak Tree Rise to the east. To the south is vacant land, which includes a number of well used routes that link to the wider surroundings.

Along the northern boundary of the site is a row of traditional two storey terraced properties with rendered elevations that front on to Penheolferthyr, as well as a row of detached garages, which are accessed via a rear lane. In the northern part of the site,

adjacent to Elm Tree Grove, is an enclosed playground and an area of maintained grassland that is used for recreational purposes.

The residential properties along the western boundary comprise modest two storey semi-detached dwellings, with rear garden areas that back on to the site. These properties have rendered elevations with some incorporating features such as porches, bay windows and canopies. In the south-west corner of the site is a row of detached garages and a gated pedestrian route that links to the wider network of paths in the local area.

To the east is a lane, which forms part of a Right of Way, that extends along the site boundary from the north to the south. The initial (northern) section of this road forms part of the adopted highway and serves the adjacent residential properties. The southern part of the road is privately maintained and currently serves a single residential property. Additionally, there is a bridleway that crosses through the centre of the site that links Penheolferthyr to the existing trails in the southern part of the site.

The residential properties to the east of the site comprise two storey detached dwellings with integral garages, some of which have elevated ground floors due to the change in levels. These properties have brickwork finishes, with some incorporating porches, canopies, bay windows and front gables.

The site comprises an area of reclaimed and re-profiled land following past mining and land reclamation operations. It includes areas of grassland with patches of bare earth, occasional heather and during wet periods, pockets of shallow standing water. Particularly along the western and eastern boundaries of the site, are areas of woodland and dense vegetation and the site generally slopes down from the north to south.

## PROPOSED DEVELOPMENT

Full planning permission is sought for a residential development comprising a total of 121 dwellings, of which 12 of these would be affordable houses, together with the associated engineering, access and landscaping works.

There would be 15 different house types that include, 1 to 5 bedroom detached, semi-detached and terraced properties. The majority of the dwellings would be two-storey, with a small number (15) being three storey town houses. The external finishes of the dwellings would comprise a combination of brickwork and render on the elevations with concrete roof tiles. The dwellings would incorporate a variety of features, with some providing canopies, porches, front gables, Juliet balconies, dormers and carports. In some instances where the dwellings are located on corner plots, they also incorporate dual frontages. Each of the plots would accommodate at least two parking spaces on driveways and some would include a detached garage.

The general layout of the development would involve a new access road being constructed with a junction on to Elm Tree Grove. The initial section of this highway would extend from north to south in the western part of the site, with the proposed dwellings positioned along one side. These dwellings would be orientated to provide a frontage towards the main road and would back onto the existing rear gardens

serving the properties along Wallhead Road and Aneurin Crescent. The proposed highway would continue across to the eastern part of the site where the dwellings would be positioned on either side. There would also be a number of cul-de-sacs or private drives across the site that spur off the main road. The highway in the eastern part of the site would also be designed as a shared surface road, incorporating rumble strips, a change in surface materials (paviments) and rain gardens along the edge of the carriageway. In key parts of the site, some of the dwellings would be positioned to enclose and overlook areas of public open space.

Adjacent to the existing playground in the northern part of the site, an area of open green space would be created, which would incorporate features such as climbing boulders, balancing logs and grassed mounds that can be utilised for recreational purposes. In the southern part of the site, there would be a large multi-functional area of open green space, which would form part of a sustainable drainage scheme for the development and would provide an area for informal recreation. These public open spaces would be connected by a landscaped corridor that extends through the centre of the site, comprising a grassed area with an avenue of trees and a hedgerow along its entire length. This corridor would also incorporate swales and rain gardens that form part of the wider sustainable drainage strategy for the site.

An active travel route would be provided along the main highway in the western part of the site to support both pedestrians and cyclists. This route would link to the playground and Penheolferthyr to the north and the open spaces and existing trails to the south.

The landscaping plan illustrates a variety of both native and ornamental trees and hedgerows to be planted across the site (notably within the public open spaces). Rain gardens would also be planted alongside most of the highways and a variety of wildflower seed mixes would be used across much of the grassed areas. The majority of the existing vegetation along the western part of the site would be lost as a result of the development. However, a large section of the woodland area in the eastern part of the site would be retained, together with the vegetation in the southern part of the site adjacent to the trails.

The following documents have been submitted in support of the application:

- Transport Assessment
- Technical Note: Additional Junction Capacity Analysis
- Site Investigation Report
- Landscape Character and Visual Assessment
- Landscape Specification and Management Plan
- Drainage Strategy
- Archaeological Desk Based Assessment
- Tree Survey, Categorisation and Constraints Report
- Arboricultural Implications Assessment
- Air Quality Assessment
- Technical Note: Air Quality Assessment
- Preliminary Ecological Appraisal
- Invertebrate Survey

- Biodiversity Enhancement and Reptile Mitigation Strategy
- Bat Activity Survey
- Technical Note: Landscape Proposals
- Design & Access Statement
- Planning Statement
- Pre-application Consultation (PAC) Report

## PLANNING HISTORY

There is no relevant planning history relating to the application site.

## CONSULTATION

### Internal consultees

- |                                         |   |                                                                                                                                    |
|-----------------------------------------|---|------------------------------------------------------------------------------------------------------------------------------------|
| Head of Engineering                     | - | No objection subject to conditions relating to site investigation works and retaining works.                                       |
| Planning Division's Policy Officer      | - | No objection.                                                                                                                      |
| Planning Division's Ecologist           | - | No objection subject to conditions relating to the implementation of appropriate ecological mitigation measures.                   |
| Planning Division's Landscape Architect | - | No objection, subject to a condition relating to landscape management.                                                             |
| Environmental Health vehicles           | - | OfficerNo objection and where possible large and plant should avoid the Air Quality Management Area during the construction phase. |

### External consultees

- |                                              |   |                                                                                               |
|----------------------------------------------|---|-----------------------------------------------------------------------------------------------|
| Natural Resources Wales                      | - | No objection subject to conditions relating to land contamination and surface water drainage. |
| The Coal Authority further                   | - | No objection subject to a condition relating to a intrusive site investigation.               |
| Glamorgan Gwent Archaeological Trust written | - | No objection subject to a condition relating to a scheme of historic environment mitigation.  |

Welsh Water surface	-	No objection subject to conditions relating to the water/land drainage and the protection of existing strategic public sewers.
Fire & Rescue Services	-	No objection.
South Wales Police that	-	No objection, although concerns were initially raised that some of the parking areas were not well overlooked.

## PUBLICITY

In accordance with Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the surrounding properties on 15.10.2021, 8 site notices were displayed around the site on 22.10.2021 and a notice was put in the local newspaper on 28.10.2021.

Following a number of revisions to the general layout of the development, changes to the house types and additional survey information, a further publicity exercise was undertaken, comprising letters sent to the neighbouring properties on the 4<sup>th</sup> July 2022 and 8 site notices displayed around the site on the 6<sup>th</sup> July 2022.

As a result of these publicity exercises, a total of 41 letters of objection were received. It is acknowledged that a petition with 345 names was submitted, however, there is no indication of whether those named object to the development and, if so, on what grounds. There are also no addresses to indicate where they reside and no signatures to validate the objections.

Below is a summary of the concerns raised as a result of the publicity exercises:

- The number of houses proposed on the site was increased from 120 to 130, which is far too many in a confined space.
- The traffic through Twynyrodyn is already at capacity and the additional vehicles as a result of the development would add further congestion and raise concerns with highway safety. This is particularly worse during school drop-off and pick-up times.
- Consideration should be given to the works taking place along the Heads of the Valleys trunk, which is contributing to the congestion problems in the area.
- Concerns with the potential impact on air pollution in the area as a result of the additional traffic.
- Concerns with the capacity of the local schools to accommodate additional children from the new development.
- Restrictions should be put in place to prevent parking along both sides of the road at Elm Tree Grove, Bryn Terrace and Penheolferthyr.
- Traffic reprioritisation should be put in place at the junction of Penheolferthyr and the A4102 to facilitate any increase in traffic flow.
- Safeguarding concerns with the proposed houses overlooking the playground.

- The new road adjacent to the playground raises highway safety concerns for children using this facility.
- The development would introduce the gable end of buildings close to the boundary of existing properties, which will have an overbearing impact.
- There would be a loss of access into the fields from the existing rear gardens.
- The development will result in overlooking between properties.
- There would be environmental impacts with the loss of green space, trees, vegetation, wildlife and the destruction of feeding grounds for bats.
- The loss of the only green space left in the area, which is widely used for recreation by persons of all ages, will have an impact on their health and wellbeing. It is recognised to be a valuable amenity space particularly during the pandemic.
- The development would prevent access to the formal trotting space with the bridleway being one of the few routes that are useable by local and remote riders.
- During periods of heavy rainfall the site becomes saturated with streams being formed. There are concerns that the development may cause flooding problems in the area.
- There are existing problems with the drains along Wallhead Road becoming blocked and regularly need clearing.
- Existing culverts and drainage systems in the area could be affected by the development which may give rise to flooding problems.
- The dust, fumes, noise, disturbance and use of heavy machinery will have an impact on the health and wellbeing of surrounding residents.
- Beneath the topsoil the underlying material is shale, which raises concerns with the stability of the site.
- The timing of the public consultations during the lockdown period has meant that not all members of the community have had the opportunity to express their concerns.
- The development would de-value existing properties adjoining the site.

## POLICY CONTEXT

### National planning 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.

Policy 2: Supports the growth and regeneration of towns and cities, which should contribute towards sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed use centres and public transport, integrated with green infrastructure.

Policy 7: seeks to increase the delivery of affordable homes in response to local and regional needs and to explore all opportunities to increase the supply of affordable housing.



Policy 9: To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure. This can include safeguarding areas of ecological importance, as well as identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking.

Policy 12: Improving regional connectivity should be supported and in urban areas, priority should be given to improving and integrating active travel and public transport. Active travel must be an essential and integral component of all new development, large and small.

*Planning Policy Wales (PPW), Edition 11, 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 4.0.3 seeks to ensure new development is designed in a way that minimises the need to travel, reduced dependency on the private car and enable sustainable access to employment, local services and community facilities. This is achieved through integrating development with sustainable transport and maximise the provision and use of sustainable forms of travel.

Para 4.1.40 encourages the use of ultra low emissions vehicles including the provision of charging points for electric vehicles.

Para 4.1.43 – 4.1.56 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 on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.17 states 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.

Para 4.2.25 – 4.2.34 set out the need to secure affordable housing for those who cannot afford market housing, both on first occupation and for subsequent occupiers and there should be an appreciation of the demand for different types of housing

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 6.7.22 – 6.7.25 set out the need to have regard to the air quality and noise levels, as well as any local and regional air quality action plans and strategies. Regard should also be given to the contribution of green infrastructure in terms of maintaining good air quality.

*Technical Advice Notes (TAN):*

- TAN 2 Planning and Affordable Housing
- TAN 5 Nature Conservation and Planning, September 2009
- TAN 12 Design, March 2016
- TAN 18 Transport, March 2007

Local planning policy

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

- Policy SW1 - Provision of New Homes
- Policy SW2 - Provision of Affordable Housing
- Policy SW3 - Sustainably Distributing New Homes
- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network
- Policy CW1 - Historic Environment
- 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):*

- SPG 1 Affordable Housing, March 2012
- SPG 2 Planning Obligations, March 2012
- SPG 4 Sustainable Design, July 2013
- SPG 5 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 and supported in principle by policy SW4 of the LDP. To facilitate the sustainable population growth of the County Borough policy SW1 of the LDP concludes that 2,250 new homes would be required over the period of the plan. This is largely expected to be delivered through the development of land that is allocated for housing under policy SW3 of the LDP, with preference given to previously developed land. In this regard, it is acknowledged that the site is allocated for

residential development (No. 18: Twynyrodyn) comprising 120 units, which shall include on-site affordable housing, expanded play provision and significant open space central to the development.

The land within the application site was reclaimed as part of the East Merthyr Land Reclamation scheme in the late 1980s/early 1990s. This reclamation scheme included other land in the surrounding area some of which has been developed over the years. The development is of a scale that would make a significant contribution to the provision of new homes in a sustainable location, which would be in line with above mentioned policies. Accordingly, the principle of the development is acceptable.

### Design approach

The general layout of the development has been informed by a number of principles, which include:

- Maintaining the existing rights of way and bridleway crossing the site.
- Providing a series of interconnected public open spaces with a landscaped corridor that extends through the centre of the site.
- Incorporating the existing playground and expansion of the play facilities.
- Provision of a multifunctional green open space that also forms part of a sustainable drainage scheme.
- Inclusion of an active travel route across the site that links Penheolferthyr to the north with the network of paths and open countryside to the south.
- Orientation of the dwellings to provide suitable frontages onto the public open spaces and streets.
- Minimising car parking to the front of the dwellings.
- Providing a discrete location for a pumping station to serve the development.
- Inclusion of a hierarchy of highways with shared surfaced areas in various parts of the development.
- Accommodating a mixture of house types.
- Incorporating a landscaping scheme that enhances the quality of the streets, provides ecological enhancements and supports a sustainable drainage scheme to manage surface water on site.

Following initial comments from residents, as a result of the publicity exercise, the existing playground in the northern part of the site was expanded to include a new natural play space with stone boulders and balancing logs, together with a grassed area being retained for informal play. An area of public open green space would also be created in the southern part of the site, where it would be suitably located close to existing footpaths and the proposed active travel route. It would provide a suitable area for ecological mitigations and function as part of the sustainable drainage scheme. It would also create a focal point to part of the development that is well overlooked by the adjacent properties to the west and north-east. A number of trees would be introduced to both of the public open spaces to add interest and a hedgerow would be planted along their boundaries to further define those areas. A green corridor, comprising an avenue of trees and hedgerows, would follow the alignment of the bridleway, extending through the centre of the site from north to south. This corridor would reinforce the green infrastructure through the site linking the open spaces to the open countryside.

The layout of the development seeks to integrate the dwellings with the existing surrounding properties. Along the western part of the site the dwellings would follow the general pattern of development with back to back housing. This enables the development to provide a suitable frontage on to the main highway and the central green corridor. Along the eastern part of the site, the development would essentially back on to the woodland area, which forms a buffer to the existing lane beyond. At the centre of the site the dwellings would be arranged to provide suitable frontages on to the green corridor to the west and the shared surfaced highway to the east. Additionally, in the northern part of the site the dwellings would be positioned with a frontage towards to the playground and open space.

It is acknowledged that safeguarding concerns were raised in respect of the increased overlooking of the playground and that it may put children using this area at greater risk. There is no evidence to suggest that having properties overlooking a playground or area of open space poses any significant safeguarding concerns. Indeed, the increased natural surveillance of these spaces can help to reduce crime and anti-social behaviour. The proposed dwellings would also help to define the spaces and contribute to the overall place making design of the development.

The proposed development would introduce a wide range of house types across the site, including flats, terraces, semi-detached and detached houses, that would add interest and variety to the streets. The dwellings would also incorporate a number of architectural features to add variation to their design that respond to the context. For instance, a number of the dwellings within the development would include carports with accommodation above. This enables parking to the side of the properties that can help minimise the dominance of vehicles within the street. Having development above the parking areas also helps to provide continuous frontages that reinforce a sense of enclosure within the street. Three storey dwellings are also proposed adjacent to the open spaces, where their larger scale can easily be accommodated and assist in framing those environments.

The existing dwellings in the vicinity of the site range from traditional terraces to the north along Penheolfertyr, to modest semi-detached dwellings to the west and larger detached properties to the east. Given the general access arrangements and the main approach to the site from the north, the development would likely be seen in the context of the modern dwellings to the east, which largely incorporate brickwork finishes and include various styles/features that would not differ significantly to the proposed development. Whilst the majority of the proposed dwellings would have brickwork finishes on the elevations, a few of the properties would also have rendered elevations or rendered gable features that provide some variation and interest within the street scene and around the open spaces.

The overall layout of the development would provide an appropriate response to the constraints of the site, it would integrate well with the surrounding area and would provide suitable frontages that create well defined streets. The dwellings would be of an appropriate scale and appearance that reflects the characteristics of the neighbouring properties. The range of house types, sizes and finishes would create variation and interest within the development, whilst providing for a range of housing needs. The public open spaces would be appropriately located within the site. They

would contribute to the provision of well-connected green infrastructure and sustainable drainage, as well as the creation of attractive, accessible and usable spaces that support healthy living. The development is deemed to be of an acceptable design and would not adversely impact on the character or appearance of the surrounding built environment. Therefore, the proposal complies with policy SW11 of the LDP.

### Residential amenity

Whilst the application site is largely surrounded by existing residential properties, the development would have the greatest potential to impact on the amenities of those properties along Wallhead Road and Aneurin Crescent to the west of the site. The proposed layout would comprise a row of detached and semi-detached dwellings that essentially back on to the rear gardens of these neighbouring properties. The siting of each dwelling would provide a separation distance of at least 20m between the rear elevations to minimise the potential overlooking between bedroom windows. The length of the proposed gardens would vary between 7m to 14m, which reflects the staggered position of the existing garden boundaries. The section details indicate that the levels of the proposed houses and the profile of the associated rear gardens along the western boundary would not differ significantly to the neighbouring properties, with some parts of the development being at a slightly lower level.

Taking into account the separation distances between the proposed dwellings and the neighbouring properties, together with the limited change in levels, the development would not give rise to significant overbearing impacts on the adjoining gardens. It was noted as part of the publicity exercise, that concerns were raised in respect of some of the dwellings presenting a large gable elevation within a couple metres of the existing rear garden boundaries. This would have been the case in respect of plots 82, 89 and 90. To address these concerns, the applicant has repositioned the dwellings on these plots further away from the boundaries, with a setback of approximately 5m. The gable elevations were also amended to include a hipped roof design, which slopes away from the neighbouring properties, to further reduce the potential overbearing impacts by minimising the effects of a large brickwork wall.

It is acknowledged that the development would increase the level of overlooking into the rear gardens to some degree, particularly from first floor bedroom windows. This is not unusual when integrating new development into established residential areas and would be difficult to avoid entirely. Indeed, there is already an element of overlooking between the existing properties. The relationship between the proposal and the existing properties would not differ to similar situations elsewhere in the vicinity where houses are positioned in a back-to-back arrangement. Given that there are no significant changes in levels and with the provision of suitable boundary treatments between plots, sufficient privacy would be afforded between the existing and proposed rear garden areas.

It is understandable that for some time the residents along Wallhead Road and Aneurin Crescent would have become accustomed to the open grassland to the rear of their properties. The presence of the new development would no doubt impact on their outlook and residential amenity as there would inevitably be a change in the character of the land. Notwithstanding this, the proposed layout has sought to integrate

the development into the surrounding context with careful consideration of the siting and orientation of the dwellings to minimise any unacceptable impacts. Therefore, the proposal complies with policy SW11 of the LDP.

As a result of the publicity exercise concerns were raised about the location of the proposed pumping station adjacent to the rear gardens of Aneurin Crescent. It should be noted that this facility would be discreetly located below ground and would have a minimal impact on the neighbouring residents in terms of noise or visual impacts. The facility would comprise an enclosed hardstanding area with two small kiosks, which would be similar to the existing pumping station situated next to the existing lane to the east of the site.

### Highway implications

It is proposed that a new junction would be constructed on to Elm Tree Grove in the northern part of the site, which would serve as the principle access into the site. This junction and the roads within the site would be designed to meet adoptable standards, with appropriate carriageway width, radii and provision for pedestrians. The proposed roads within the site would also accommodate service and emergency vehicles.

Adequate parking provision would be accommodated within the development that conforms to the Wales Parking Standards 2008, which introduces 'maximum' parking standards. The aim is to manage traffic and reduce car dependency, whilst ensuring there is sufficient on-site parking. In this regard, the majority of the plots would provide at least 2 parking spaces on driveways, with some of the smaller properties having 1 parking space. The larger properties would have 2 parking spaces on the driveway and a garage. There would also be some capacity for visitor parking along sections of the highway within the site.

It was highlighted at the early stages of the development proposal and through the pre-application responses from the local community, that there are significant concerns with the amount of traffic that would be generated and the impact it would have on the existing highway network. Accordingly, a Transport Assessment (TA) was carried out, together with junction capacity studies. The TA also takes into consideration future traffic growth and the impacts of the development in 2024, 2029 and 2034.

The existing highway provides adequate footpaths for pedestrians with dropped kerbs and zebra crossings along Penheolferthyr. There are also a number of cycle routes within the vicinity of the site, as well as a number of rights of way and a bridleway. The development would be located within walking distance of nearby bus stops situated along Penheolferthyr. There are also a number of facilities within walking distance of the site, of which the nursery school is within 300m to the north-east, Twynyrodyn Community School is within 300m to the north-west and Ysgol Gymraeg Santes Tudful Secondary School is within 800m to the north. This demonstrates that the development is within a sustainable location and that there are good links to encourage a reasonable proportion of people to often walk or use public transport to access local services.

The existing highway network is considered to be safe and in the past 5 years, the TA notes that there have been 9 collisions that have resulted in slight injuries along the main highway serving the site. The majority of these incidents occurred on the A4060 roundabout (Welsh Governments responsibility) in both north and south bound directions.

The initial highway assessment was based on a development proposal comprising 131 dwellings. However, the number of dwellings has since been revised to 121. To assess the impact on the existing highway network, the TA estimates the number of vehicle trips that would be generated as a result of the proposed development. At the request of the Head of Engineering, traffic surveys were also undertaken at the various junctions and roundabouts along Penheolferthyr, Twynyrodyn Road and neighbouring roads.

The TA sets out that the proposed development would potentially generate up to 82 vehicle movements (two-way) in the morning peak time (8am to 9am) and up to 98 vehicle movements in evening peak time (5pm to 6pm). The TA also draws some comparison between the existing traffic surveys undertaken in 2019 and later in 2021 along Elm Tree Grove. It has been highlighted that there has been a notable 30% decline in traffic movements, which is thought to be as a direct result of more people now working from home.

At each of the junctions surveyed, a percentage impact assessment has been undertaken in the TA to illustrate the increase in traffic flow, of which reference is made to TAN18. This considers in broad terms, that a 5% increase in traffic using a junction would be seen as a material increase. TAN18 also notes (Section E.4, Annex E) that where the capacity of a junction is, or is near to being exceeded, a smaller percentage increase on a link would normally be material. In this regard, of the seven junctions considered, the TA indicates the development would result in a 1% increase in traffic at the roundabout adjacent to the Tesco supermarket (Junction 1) to the west of the site and a 2% increase in traffic at junction 4, which leads on to Goat Mill Road to the east. The greatest impact, exceeding 5%, would be at the roundabout (Penheolferthyr/Elm Tree Grove) adjacent (north) to the site. A 3% impact is also noted in the TA at the Gilfach Cynon/Wallhead Road junction. At all other junctions, the TA notes that less than a 1% impact would occur. Notwithstanding the lower percentage of traffic at Junctions 1 and 4, concerns were highlighted by the Head of Engineering that the additional traffic at Junction 1 could impact on the Air Quality Management Area (AQMA) and that Junction 4 can experience queues during peak times. Accordingly, a further capacity survey was undertaken at these junctions to investigate the highway implications.

A junction analysis was undertaken at the worst effected junctions to calculate their capacity to manage the additional traffic. At Junction 2 (Gilfach Cynon/Wallhead Road/Penheolferthyr) and Junction 3 (Penheolferthyr/Elm Tree) the queue lengths of traffic were observed during peaks times to be no more than 1 in most directions and up to 2 along Wallhead Road. The TA considers these junctions would continue operating within their theoretical capacity and the development would result in a negligible impact on queue lengths.

In regard to Junction 6, which includes Lower High Street and High Street, the TA indicates the development would result in a negligible 1.2% increase in traffic at peak times. In real terms the development would only introduce 1 additional vehicle at each arm of the junction, which would result in a negligible impact on traffic queues.

The TA indicates that at Junction 4 (Penheolferthyr/Goat Mill Road/A4102) there is currently an average queue length of 16 vehicles (this includes both lanes at the junction) along Penheolferthyr. This is expected to rise to 24 vehicles by 2024. When taking into account the proposed development, the queue lengths are predicted to rise in 2024 to 68 vehicles in the AM peak and 43 vehicles in the PM peak. It has been noted by the Head of Engineering that the results illustrate a significant increase in queues, which is exacerbated by a pre-existing problem, because of the current design of this junction. The TA notes this traffic problem would become increasingly worse in the long term (both with and without the development) when taking into account future traffic growth.

The TA has considered how Junction 4 currently operates and notes that there is a significant volume of traffic in both directions along the A4102 with limited gaps to enable vehicles coming from Penheolferthyr to enter the junction. To address this issue and reduce the queue lengths, it was suggested that a mini roundabout should be investigated to improve traffic flow. With this in place, the TA has assessed the queue lengths along Penheolferthyr would be reduced significantly to no more than a few vehicles in each lane. However, it has been highlighted by the Head of Engineering that this solution would introduce a potential queue length of 5 vehicles along the A4102 eastern approach in 2024, which could increase to 11 vehicles in 2034. This could result in traffic backing onto the main carriageway of the A4060 trunk road, which may give rise to significant traffic hazards and highway safety concerns being raised by Welsh Government.

It was noted from the traffic surveys that in the morning peak hour, 39% of traffic on the Penheolferthyr approach to the Goat Mill Road turns left, increasing to 44% in the PM peak. With this fairly even split in traffic movements, provision of increased stacking capacity on the Penheolferthyr approach via a longer two-lane approach would be beneficial (without impacting on the adjacent Goat Mill Road/A4102/A4060/Bogey Road Roundabout). Provision of a filter lane on the Penheolferthyr approach would therefore be deemed more appropriate than a mini roundabout.

It has been highlighted in the TA that whilst there are potential issues related to traffic queue lengths, the development would only amount to a 2.72% increase in the overall traffic at Junction 4. In this instance, it would not be reasonable for the applicant to undertake the suggested mitigation measures to resolve a pre-existing issue, as this would not be commensurate to the impact or the increase in traffic flows as a result of the development. Instead, this would be an issue for the Highway Authority to address as part of a wider strategy to manage traffic along Penheolferthyr.

Notwithstanding this, it should be noted that given the scale of the development, the applicant would be required to provide a considerable financial contribution as a result of the Community Infrastructure Levy (CIL). This could be utilised to improve Junction



4 as well as other highway improvements/alterations to manage traffic and parking/congestion issues near the school at peak times.

Whilst there would be potential for long queues at Junction 4, the TA notes that the assessment illustrates the worst case scenario during the busiest five-minute period at each peak hour. Outside of this period the TA notes the queues are generally lower, which indicates the impacts are limited to peak times (i.e. rather than an issue that persists throughout the day). With the rise in more people working from home or travelling to work at different times of the day (as a result of agile working), there is potential for the highway impacts to be over estimated due to the change in travel patterns.

It has been highlighted by a number of residents that the traffic along Penheolferthyr and the side streets, during peak times of the day when children are being dropped off/ picked up from the nearby schools, often leads to considerable congestion with cars parked along both sides of the road. It is anticipated that the development would not significantly contribute to this pre-existing problem, given that the proposed dwellings would be within walking distance of the schools. The Head of Engineering is investigating options to address the parking issues in the area. The proposed development also seeks to encourage walking and cycling with the provision of an active travel route and shared surfaced roads. The topography of the site would also not present steep gradients that may otherwise be discouraging to pedestrians. Additionally, there would be pedestrian routes within the site that link to neighbouring streets (e.g. Aneurin Crescent) that may encourage existing residents to walk or cycle in the area.

Whilst it is recognised that the development would increase the level of traffic in the area, it has been adequately demonstrated that the existing highway could accommodate the development without significant highway safety concerns. However, there is potential for long queues to occur along Penheolferthyr during peak times without future mitigation. It should be acknowledged that the application site is allocated in the LDP for residential development (comprising 120 dwellings) and that the number of proposed dwellings were reduced to reflect this policy objective. Furthermore, the development would make acceptable contributions through the Community Infrastructure Levy that could provide appropriate mitigations in the future to manage traffic along Penheolferthyr. In this regard, it is noted that the Head of Engineering has not raised any objection to the proposed development. Therefore, the proposal complies with policy SW11 of the LDP.

### Ecological impacts

To determine the potential impacts of the development on any protected species or habitats within the site, a number of surveys have been undertaken. This includes an initial Preliminary Ecological Appraisal (PEA), Invertebrate Survey, Bat Activity Survey, Reptile Survey and Ecological Enhancement & Reptile Strategy.

The PEA describes the application site as comprising an area of reclaimed and re-profiled land of former industrial use. The site includes areas of tussocky grassland with patches of bare earth, occasional heather, plantation woodland, scrub and during wet periods, pockets of shallow standing water. The report notes that the woodland

and scrub habitats extend beyond the boundaries of the site, with extensive countryside to the south. There is also managed amenity grassland associated with the playground in the northern part of the site.

The PEA notes that the site is a considerable distance away from any Site of Special Scientific Interest (SSSI) and the nearest Site of Interest for Nature Conservation (SINC) are Glynmill (448m west), Afon Taf (800m west) and Merthyr Common South (900m west).

Within the site the PEA identifies five areas of immature broadleaf woodland along the periphery, which varies in their composition and extent. Broadleaf woodlands are recognised as having significant value for a range of invertebrates and small mammal species, as well as nesting birds. All of the woodland blocks were noted in the report to have poor field and ground layers and none appear to have the potential to be used for roosting bats. However, the woodland areas do provide a buffer between the residential properties and the grassland areas, which may support commuting bats. As such, the PEA considers the woodlands are of moderate ecological value.

Bramble and gorse scrub has been identified in the PEA to be a common feature around the site. This environment is likely to be used as a food source for wintering birds and nesting for common bird species. The scrub also provides potential habitats for small mammals such as hedgehogs and reptiles. As such, the PEA considers the scrub to be of moderate ecological value.

Some of the woodland areas are noted as being in poor condition dominated by brambles, bracken and nettles. They were also noted to be impoverished with areas of bare ground, leaf litter and ivy cover. In various locations across the site, dense scrub has been identified, with a mosaic of more open grassland areas along the western boundary. The unimproved grassland areas comprise of species that are common to the surrounding areas and do not include any uncommon or rare species. Additionally, strands of highly invasive Japanese Knotweed were recorded within the woodland and scrub areas adjacent to the eastern boundary of the site.

The PEA notes that there are two culverted drainage ditches that cross the western part of the site, which appear to be generally dry, although it is suspected that they carry water during periods of high rainfall. This environment is not deemed to be suitable for Great Crested Newts, although the report indicates they could potentially be used by common amphibian species, such as frogs. Notwithstanding this, the report considered the watercourse/ditch to be of low ecological value.

Although the site is noted in the PEA to have limited potential for roosting bats, it has been highlighted that a large number of bat roosts have been recorded in the surrounding area, with pipistrelle roosts located within 300m of the site. As such a Bat Activity Survey was undertaken, which indicated that the bat activity across the main body of the site was low. However, common pipistrelle were recorded foraging and commuting along the scrub and woodland edges around the periphery of the site. Soprano pipistrelle and noctule bats were also observed along the southern and western parts of the site. The survey indicates that there is no area immediately within the site that is considered to be an important feeding ground for commuting bats and the loss of unimproved grassland would unlikely have a significant impact on the

conservation status of bat species. The report recommends where possible all hedgerows and trees should be retained around the perimeter of the site. It also notes that the southern part of the site provides a dark corridor and that a lighting strategy should ensure this is maintained as part of the development. Additionally, it is advised that bat boxes should be incorporated in a percentage of the properties, particularly along the eastern and southern boundaries.

All of the habitats within the site are noted in the PEA to have high potential for use by reptiles for foraging and afford excellent refuge areas, including areas for hibernation and basking. Therefore, a further Reptile Survey was undertaken to ascertain the ecological impact. A total of 5 slow worms and 1 common lizard were identified, largely concentrated around the periphery of the wooded areas and on the edge of the open grasslands. As such, the presence of reptiles was confirmed and the report estimates the population to be 50-100 slow worms and 5-10 common lizards. The development of the site would result in the majority of the reptile habitat either being lost or disturbed. As such, a reptile mitigation strategy has been prepared to ensure reptiles are not harmed during and after the construction phase. It is proposed that any reptiles within the site would initially be captured and would be moved to a suitable area, to the south of the site, where they can safely disperse naturally into adjacent habitats, which is similar to those present within the application site. Reptile exclusion fencing would then be erected to ensure no reptiles re-enter the site.

The woodland and grassland areas within the site provide excellent feeding opportunities and nesting potential for a variety of bird species. The PEA acknowledged that there are Schedule 1 bird species recorded within 500m of the site, which can include owls, Red Kite, Goshawk and Peregrine Falcon. However, the report considers there to be no suitable breeding habitat for any of these species. The use of the site by dog walkers also limits the value of the land for ground nesting birds. As such, the report considers the site to be of moderate to high value to common bird species.

Given the diversity and structure of the habitats an Invertebrate Survey was undertaken, with particular emphasis on the identification of Odonata, Hymenoptera and Lepidoptera species, which are deemed to be of importance for maintaining and enhancing biodiversity in Wales. The survey identified 99 invertebrate species, of which the survey considers most to be relatively common and occur in a wide range of habitat types. Although, two recorded species of cinnabar and heath were identified, which are of importance. The results of the survey and the diverse nature of the habitats suggest if the site was left in its current state, it would continue to support a large number of invertebrates from a wide range of taxonomic groups. However, the survey indicates the site does not contain habitats that are likely to support a population of fully protected or rare species. The loss of grassland and partial loss of the young plantation woodland would lead to a loss of habitats suitable for butterfly, grasshopper and moth species. However, following the completion of the development, some areas of the site could reintroduce these habitats within domestic gardens. Mitigation can also be provided with the appropriate planting of wild flowers and native shrubs in open areas of the site as part of the landscaping proposal.

It is concluded in the PEA that it is unlikely that any protected species or species of principle importance for maintaining and enhancing biodiversity in relation to Wales

would be significantly negatively affected by the development. Large areas of unimproved grassland will be lost, however, compensation measures would ensure that species rich grasslands are created within the site post development. Appropriate lighting schemes would ensure that the periphery of the site remains functional for use by the small numbers of bats utilising the site. Similarly, the mitigation strategy for reptiles would ensure that suitable habitats are created post development for re-colonisation to occur. The Ecological Enhancement Plan also sets out the creation of an area of wet grassland and wildflower meadows, new hedgerow and tree planting across the proposed open green spaces, together with the installation of integral bat boxes and bird boxes on the gable ends of the dwellings.

It has been highlighted by the Planning Division's Ecologist that the survey work undertaken in 2019 and later updated in 2022 indicates the diversity of grasses and herbs within the site has risen from relatively low to relatively moderate, which suggest the quality of the habitats have improved and present a species rich environment. It has been noted that the proposed wildflower grassland areas would only replace approximately 60% of the grassland habitat and would include a lower number of species. As such, it is recommended that the wildflower area should include a larger number of species to ensure the biodiversity value is maintained and enhanced. This could be further addressed by retaining some of the larger grassland areas in situ rather than removing those area and trying to recreate those habitat environments. The Planning Division's Ecologist has acknowledged the loss of woodland area and has recommended that additional hedgerows and trees be planted along the eastern boundary to further improve that environment for commuting bats. Additionally, the landscaping scheme should be revised to only include native species across the development. In respect of reptiles, the Planning Division's Ecologist advises that a reptile mitigation strategy should be agreed for the translocation of any reptiles on to the land to the south of the development. Subject to amendments to the landscaping proposal to enhance the mitigation proposal, which can be secured by condition, the Planning Division's Ecologist has not raised any objection to the development. Thus, with appropriate mitigation, the development complies with policies EnW1, EnW2 and EnW3 of the LDP.

### Landscaping scheme

An Arboricultural Implications Assessment notes that all of the trees adjacent to the playground in the northern part of the site would be retained. These are considered to be immature and of low amenity value. Elsewhere across the site, it is noted that there are also some young self-seeded Willow trees. Particularly along the western, eastern and southern parts of the site, a number of woodland blocks have been identified, which are largely considered to be of moderate value in terms of their health and amenity.

The development of the site would result in the loss of the woodland blocks along the western part of the site, a reduction in the size of the woodland blocks to the east and the loss of some vegetation in the southern part of the site. In order to integrate the development with the surrounding built environment and to provide a suitable layout that incorporates a sustainable drainage scheme, it would be difficult to retain much of the woodland areas within the site, which largely comprises of unmanaged immature plantations that were introduced as part of the reclamation of the site.

The proposed landscaping scheme seeks to compensate for the loss of trees and vegetation through the core principle of providing a series of interconnected green open spaces across the site. This includes a large recreational space to the north, a large area of green open space to the south, with a central green corridor linking these areas to the open countryside. All of these spaces would include a significant amount of native tree planting and hedgerows in a structured way that enhances the quality of those areas and reinforces a sense of place. The grassed areas to be provided would also recreate various habitat environments that compensate for some of the ecological impacts. Additionally, raingardens would be provided along one side of all of the carriageways. Overall, the landscaping scheme would be of an acceptable design that helps to define and create interesting open spaces and streets, whilst taking into account the need to provide a sustainable drainage system. However, with reference to comments from the Planning Division's Ecologist, further revision would be required to ensure suitable habitat environments are retained or recreated. Notwithstanding this, it is acknowledged that the Planning Division's Landscape Architect has raised no objections to the proposal, subject to a condition to ensure all of the public areas are properly maintained and that the raingardens remain effective. Therefore, the proposal complies with policy SW11 of the LDP.

#### Sustainable drainage

The initial ground investigation undertaken across the site suggest that the use of soakaway systems may not be possible. However, further testing would need to be undertaken. It is proposed that the surface water within the site would largely be managed through a series of swales and raingardens located along the edges of the highway, which would comprise a combination of 9 different plant species. The existing ditch that crosses through the site would be retained and incorporated as part of the central planted green corridor. Where appropriate, the ditch would be culverted where it is crossed by roads or footpaths. These systems would direct the surface water to two basins, located in the southern part of the site, where it can be attenuated and subsequently discharged into the existing watercourse. The proposed drainage strategy for the development would be an integral element to the landscaping proposal that contributes to the overall quality of the public open spaces and would support biodiversity enhancements. It is acknowledged that the Head of Engineering has not raised any objection to the drainage strategy. Notwithstanding this, it should be noted that the drainage scheme for the development would be subject to a separate sustainable drainage application to be determined by the SuDs Approving Body (SAB). Therefore, the proposal complies with policy EnW4 of the LDP.

#### Air quality

Policy EnW4 of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment, which includes, amongst other criteria, the pollution of the air. It has been identified (Para 6.6.33) in the LDP that nitrogen dioxide, a pollutant associated with vehicle emissions is of concern. In 2017, an Air Quality Management Area (AQMA) at Twynyrodyn Road was defined and an action plan (approved in 2018) was put in place, which proposed measures to improve air quality within the AQMA. The proposed development would be located approximately 0.43km to the west of the

designated AQMA, with Twynyrodyn Road being one of the main vehicular routes serving the application site.

Given that the development has the potential to increase traffic movements in the area, an Air Quality Assessment has been submitted in support of this application, which takes into account the Council's latest air quality monitoring data for the AQMA. The report acknowledges that nitrogen dioxide (NO<sub>2</sub>) is the only pollutant of concern within Twynyrodyn, which has the potential to have an unacceptable impact on air quality. The monitoring data indicates the NO<sub>2</sub> levels in 2018 were particularly high and that in 2019 there was a marked decrease in concentrations, illustrating an improvement in the air quality, which was likely attributed to the changes in traffic direction along Court Street. The air quality assessment also considers the potential baseline NO<sub>2</sub> levels in 2022 and 2030, which suggests that there would be further improvements in air quality anticipated with a continual decline in NO<sub>2</sub> levels.

During the construction phase of the development, there is potential for dust associated with any earth works and traffic movements to have an impact on air quality in the local area. The report considers the potential for dust to have a high impact during the initial stages of the development when there would be a greater amount of ground works being undertaken. However, this impact would be reduced to medium during the later stages of the construction phase. Although there would be a medium to high impact, the report considers there to be a low risk to human health. To mitigate against the potential impacts, a Construction Environmental Management Plan (CEMP) would be prepared setting out the measures to minimise dust and for the monitoring of such issues throughout the course of the development. This could be secured by condition. With appropriate mitigation in place, the report considers the impact from dust to not be significant.

In respect of construction traffic, the report notes that the exhaust emissions from on-site plant and site traffic are unlikely to make a significant impact on local air quality. In this respect, the application site is not deemed to be particularly sensitive with the air quality considered to be good at present and in the future. Additionally, the report highlights the ability to direct construction traffic away from the Twynyrodyn AQMA to further minimise any potential impact. Whilst it would be difficult to manage the direction of traffic to the site along the adopted highway, measures could be incorporated into the CEMP to encourage drivers to avoid the AQMA where possible.

To assess the potential impact of the development once it has been completed, the air quality assessment has modelled the future baseline concentration of NO<sub>2</sub> levels for 2022 and 2032, both with and without the development in place to draw comparisons. The report shows that in 2022 the development would result in a negligible to slight adverse change in the NO<sub>2</sub> levels. However, the concentration of NO<sub>2</sub> would remain within acceptable limits and would not exceed the air quality objective of the AQMA. By 2032, the report considers the development to have a negligible impact on the modelled concentration of NO<sub>2</sub> levels.

Essentially the report anticipates the air quality in Twynyrodyn to improve in the future whether or not the proposed development is in place. It notes that the development would not be completed all at the same time and that the occupation of the dwellings would be phased. As such, the predicated impacts, which takes into account the

development as a whole, rather than phased, are considered to be a worst-case scenario. Therefore, the report concludes that with appropriate mitigation to manage dust during construction, the proposed development would not result in a material deterioration of air quality or harm to health. It is acknowledged that the Environmental Health Officer has not raised an objection to the development and has noted the recent monitoring data for the AQMA indicates improvements in air quality. Although there are some concerns in the short term (i.e. during the construction phase), it has been suggested that prohibiting large vehicles travelling through the AQMA may help to minimise any temporary impacts. It is also noted that highway improvements to reduce traffic queues could also assist in maintaining lower concentrations of NO<sub>2</sub>.

There remains a degree of uncertainty in respect of the notable improvements to the air quality within the AQMA, which may have been partly influenced by recent world events (Covid19). With the decline in the number of people travelling to work, this would have greatly reduced vehicular traffic movements. Notwithstanding this, it is clear that there has been a cultural change in recent years with more people working from home, which is likely to persist into the future. Additionally, there has been a clear shift in national policy to encourage active travel and a shift to electric vehicles. As such, traffic movements at peaks may not be as high and the increased use of electric vehicles will further reduce the concentration of NO<sub>2</sub> levels. In this respect, it is noted that the developer would be installing the necessary infrastructure to accommodate electric vehicle charging points for the proposed dwellings. An active travel route would also be provided as part of the development to support walking and cycling in the area. Therefore, it would be reasonable to conclude that the anticipated impacts of the development in the medium to long term would not have a significant impact on air quality both within the AQMA and the surrounding area. Therefore, the proposal complies with policy EnW4 of the LDP.

### Historic assets

An Archaeological Assessment report has been submitted in support of the application, which considers the impact of the development on any potential archaeological remains and the historic landscape.

*The report acknowledges 'the proposed development site is located on the southeast outskirts of Merthyr Tydfil within an area of largely 20<sup>th</sup> century residential development and is bounded to the southeast by a major trunk road which divides the site from the landscapes to the east. The site was the location of former 18<sup>th</sup> to early 19<sup>th</sup> century coal and ironstone extraction associated with the former Plymouth Ironworks located to the southwest. These ironworks and its subsidiaries of Pentrebach and Dyffryn were significant in the development of Merthyr Tydfil as an iron production centre due to the pioneering development by its owners, and were also associated with the first steam-powered rail journey'.*

*It is concluded that 'the proposed development has a low potential to encounter buried archaeological remains apart from any which may be associated with the former extraction works or the former brickworks located at the eastern boundary of the site in the late 19<sup>th</sup> century. The extraction works are likely to have heavily disturbed any earlier archaeological remains which may have been present on site'.*

In terms of the historic landscape impact, the report notes *'the site lies within and contributes to both the Registered Historic Landscape of Merthyr Tydfil and the Ironworks Landscapes associated with the significant Plymouth, Pentrebach and Dyffryn Ironworks. This contribution is associative, based on the provision of coal and/or ironstone to the Plymouth Ironworks along the former connective tramroads, however neither the infrastructure nor the ironworks are extant, apart from the Merthyr Tydfil Tramroad Tunnel (GM573), having been reclaimed and redeveloped during the 20<sup>th</sup> Century. The location of the site within 20<sup>th</sup> century development has created a disconnect with other surviving elements of the ironworking landscapes, although the site does contribute in a small way to the overall industrial landscape'*.

It is evident from the assessment that the site itself was previously used purely for extraction, of which there appears to be little historic remains, apart from waste material. As such, the report considers the site to provide a small contribution overall to the historic landscapes. Furthermore, the development would be seen in the context in the residential development that largely surrounds the site and the A4060, which divides it from the majority of the remaining historic landscapes.

A Landscape Character and Visual Impact Assessment has been carried out. The report notes that *'due to the natural topography of the area combined with the A4060 to the east, the existing residential development to the north, east and west and the existing boundary vegetation, the visual envelope of the site is generally restricted and the proposed development would be well screened from the majority of surrounding public viewpoints'*.

The residential development would be viewed *'in the context of the existing properties that surround it. Whilst any proposed residential development would change the character of the site itself, the development would represent a relatively small and logical infilling of a gap in the existing housing and would therefore be in keeping with the wider landscape character of the area'*. As such, the report concludes the development can be accommodated within the landscape without unacceptable impacts on the landscape character or visual amenity within the immediate setting or the wider landscape.

It is acknowledged that Glamorgan Gwent Archaeological Trust have not raised any objection to the development, subject to a condition that seeks a written scheme of environment mitigation. This would be in the form of an archaeological watching brief to be conducted during any ground works for the development, including any ground breaking activities for the provision of foundations and services. Accordingly, the proposal would not have a significant impact on the historic environment and complies with policy CW1 of the LDP.

### Ground conditions

The application lies within an area identified by the Coal Authority to be at high risk from past mining activities that could have an impact on the stability of the site. As such, a Site Investigation Report has been submitted in support of the application to assess the environmental risks. The report notes in the 1980's the site formed part of the Cwm Blacks Reclamation Scheme at which point it was reclaimed and landscaped to form an area of public open space with a playground in the northern part.



An intrusive investigation was carried out in 2008, comprising trial pits, trenches, boreholes and rotary probeholes. Additionally, the records from the Coal Authority indicate the site is in the likely zone of influence from workings in two seams of coal at shallow to 50m depths, as well a seam of ironstone at 80m depth. The Coal Authority records also highlight that there are 10 mine entries within a radius of 20m from the site boundaries, of which two of these are located in the northern part of the site and 6 either in or close to the eastern boundary of the site. The submitted layout plan illustrates the location of these mine entries in relation to the development and their potential zones of influence.

The report highlights that it may be necessary for some parts of the site to be drilled and grouted to stabilise the land where there may have been shallow mine workings, particularly in the eastern half of the site where there is greater risk to the development.

The mine entries recorded within the site or outside the site boundary are unlikely to have an impact on the development. However, there is potential for area of made ground within the site that may pose a risk. Evidence of some brickwork structures in parts of the site, suggest that when the land was remediated it may not have included the treatment of the mine entries. As such, further investigations would be required and where necessary any untreated mine entries would need to be infilled and sealed.

Due to the variable thickness, nature, composition and density of the underlying made-ground material, the report suggests reinforced concrete raft foundations may be an appropriate solution to address any ground stability concerns. However, further site investigations would be required to finalise the appropriate engineering solution.

The Coal Authority are satisfied that an appropriate assessment has been undertaken using the most up-to-date information currently available. It is acknowledged that further site investigations are required to finalise the engineering requirements and mitigation measures. However, the Coal Authority is satisfied that the layout of the development has clearly been designed around the recorded mine entries. As such, they have not raised any objection, subject to a condition to ensure the recommended site investigations are carried out prior to construction works commencing.

In relation to ground contamination, the site investigation indicates that there is elevated concentration in the made ground (at shallow depths) of nickel across the site. Since nickel is a metal element and is not volatile, it is recommended in the report, in order to minimise exposure to the concentrated levels, that a 600mm thick layer of clean soil be used to provide a protective barrier in the garden and landscaped areas.

The site investigation report acknowledges that a culverted water course and open storm water drains cross the site (from north to south) and that these will need to be managed/incorporated in to the wider drainage strategy for the development. The risk of contamination to the water environment is concluded to be low and no remedial measures are identified. It is acknowledged that Natural Resources Wales (NRW) have not raised any objection in respect of land contamination subject to conditions relating to the remediation of the land where contamination has been identified. NRW have also advised that details of any piling or foundations that require penetrative

measures should be provided, which demonstrates no unacceptable risk to groundwater.

Whilst potential risks have been identified in relation to the stability of the site and land contamination, it has been adequately demonstrated that appropriate mitigations can be implemented to minimise those environmental risks to a safe and acceptable level. Accordingly, the proposal complies with policy EnW4 of the LDP.

### Planning obligations

Policy SW2 of the LDP sets out the target for development proposals to deliver up to 253 affordable dwellings across the County Borough to meet an identified housing need, of which the areas of greatest need fall within the Town, Penydarren and Cyfarthfa Wards. Where appropriate and having regard to the development viability, Policy SW9 of the LDP seeks contributions towards the provision of affordable housing. In this respect, residential developments, comprising 10 or more dwellings within the Primary Growth Area, shall be required to provide 10% on-site affordable housing. Policy SW9 also requires the provision of open space where there is an identified need, together with any other relevant obligations not included in the Community Infrastructure Levy (CIL).

In this instance, it is proposed that 12 affordable dwellings would be provided as part of the development comprising a mixture of house types. There would be three 2 bedroom houses and two 3 bedroom houses located in the western part of the site, with six 1 bedroom flats and a 2 bedroom house located in the eastern part of the site. These affordable homes would be secured by condition and subsequently managed by a Registered Social Landlord (RSL).

It has been identified, as part of the housing allocation for the site, that there is a need for expanded play provision and significant open space to be a central feature of the development. It is acknowledged that alongside the existing playground in the northern part of the site, an area of open green space would be provided which includes a number of natural play features. A landscaped corridor would also be created through the centre of the site that links to a large area of public open space, located adjacent to existing paths in the southern part of the site, which can be utilised for informal recreation.

With regard to the improvement of the existing highway network, to relieve traffic pressures in the area (particularly the effects of congestion at peak times i.e. during school drop off/pick up times), it has been identified by the Head of Engineering that there are existing issues that need to be addressed as part of a wider strategy to manage traffic flow along Penheolferthyr. Whilst the development would contribute to these problems, it would not be reasonable for the developer to provide mitigations that overcome these current problems. However, the CIL (received as a result of any future development on the site) could make a significant financial contribution towards infrastructure improvements, which would include core highway networks and strategic drainage networks. Additionally, CIL receipts could also be utilised towards education provision and any necessary improvements to schools as a result of the increase in population in the area. For the above reasons, the proposal would comply with policies SW2 and SW9 of the LDP.

## Consultation response

As a result of the publicity exercise a number of issues were raised by local residents, which have been addressed above. Those which have not been are addressed below:

- Whilst there are concerns in respect of the number of dwellings proposed, it should be noted that the land is allocated in the LDP for 120 dwellings. The LDP was subject to a public consultation exercise and examination before being adopted. It has been demonstrated that the scale of the development can be accommodated within the site, whilst addressing various environmental concerns.
- It is acknowledged that the highway works along the Heads of the Valleys may have some impact on traffic in the surrounding areas. However, this impact would be temporary and would not be a reason to refuse the application.
- The Planning department engaged closely with the Education department during preparation of the LDP, with the capacity of education facilities being an important consideration when allocating sites for residential development. At the time of preparing the LDP, there was deemed to be sufficient capacity at Twynyrodyn School in the short to medium term to accommodate the extra spaces required as a result of development on the application site.
- The highway assessments submitted in support of this application have not identified the need to impose parking restrictions along Elm Tree Grove, Bryn Terrace and Penheolferthyr. However, if such measures are required in the future, this would be a matter for the Head of Engineering to review.
- It is acknowledged that there may be existing problems with the drains along Wallhead Road. This would be a matter for either Welsh Water and/or the Highway Authority to investigate, neither have objected to the development.
- It is appreciated that during the Covid19 lockdown there were various restrictions in place that impacted on the initial consultation with the local community. A statutory Pre-Application Consultation (PAC) was first commenced in April 2020 but was cancelled due to social distancing restrictions. However, following Welsh Government advice a further consultation was undertaken in May 2020. All of the information was made available electronically and hard copies of the details could have been requested from the applicant. Alongside this, local ward councillors engaged with the community to ensure residents were aware of the development. The PAC report indicates 52 response were received. Additionally, there has been a considerable response to the publicity exercises undertaken for the planning application.
- Access to the formal trotting space, located to the south of the site, would remain for horse riders via the right of way to the east of the site where the main entrance to this area is available. Any alterations to the bridleway or right of

way would require separate consent from the Rights of Way Division, who have not raised any objections to the proposed development.

- It is acknowledged that some residents are concerned that they would no longer have direct access into the site from their rear gardens. However, these properties do not have a right of access over the land. Notwithstanding this, there would be appropriate links to enable the surrounding community to access the public open spaces.
- Concerns in respect of the potential impact on the value of existing properties within the vicinity of the site is not a material planning consideration.

## CONCLUSIONS

The principle of the development is acceptable given that the site is allocated for 120 residential units. The development would make a significant contribution towards the provision of new homes within a sustainable location, which includes the provision of affordable housing. The development has been appropriately designed to integrate with the surrounding area and minimise any potential amenity impacts. A variety of house types and sizes would be provided that add interest to the development and help to meet a range of housing needs.

It is acknowledged that there are concerns with traffic movement and congestion within the vicinity of the site during peak times and that the development would likely exacerbate these issues. However, appropriate highway improvement works could be implemented to mitigate these impacts as part of a wider strategy (undertaken by the Highway Authority) to improve traffic flow in the area, of which the developer would make a contribution through CIL. The additional traffic generated by the development would have some impact on the AQMA. However, the development would not significantly increase the concentration of NO<sub>2</sub> levels, which would remain within acceptable limits and not exceed the objectives of the AQMA.

Whilst large areas of existing vegetation and immature woodland blocks would be lost across parts of the site, the development would provide areas of landscaped public open space that can be used for recreation and a significant amount of planting including native trees/hedgerows across the site. The development of the site would unavoidably have an ecological impact, notably on foraging bats, reptiles and nesting birds. Appropriate mitigation and enhancement measures would be implemented to avoid any harm to protected species, along with new/improved habitat environments provided.

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 national and 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:

Dwg No. SP-03-Rev 07 - Proposed Site Plan, received 14.07.2022

Dwg No. SE-01\_02, Rev 02 - Sections, received 14.07.2022

Dwg No. AT-02\_02, Rev 02 - Active Travel Strategy Plan, received 14.07.2022

Dwg No. MT-02\_03 Rev 03 - Material Treatment Plan, received 14.07.2022

Dwg No. 421-WD21-HIP - Hipped Plans & Elevations Plot 89, received 14.07.2022

Dwg No. Da\_FG\_TF\_End\_R21 Rev A - The Danbury Plot 79 & 82, received 14.07.2022

Dwg No. AL\_Sem\_R21-401 - Alnmouth Traditional, received 19.05.2022

Dwg No. Ad\_Sem\_R21-401 - Ashbridge Traditional, received 19.05.2022

Dwg No. Da\_Sem\_R21-401 - Danbury Traditional, received 19.05.2022

Dwg No. Dp\_Sem\_R21-401 - Deepdale Traditional, received 19.05.2022

Dwg No. Ch\_Det\_R21-401 - Charnwood Traditional, received 19.05.2022

Dwg No. Bw\_Det\_R21-401 - Barnwood Traditional, received 19.05.2022

Dwg No. Sa\_End\_R21-903 - Saunton Traditional, received 19.05.2022

Dwg No. Br\_Mid\_R21-401 - Braunton Traditional, received 19.05.2022

Dwg No. An\_Sem\_R21-401 - Ashdown Traditional, received 19.05.2022

Dwg No. Ga\_Trad\_DT R21-401 - Galoow DT Traditional, received 19.05.2022

Dwg No. Bw\_Det\_R21-401 - Barnwood DT Traditional, received 19.05.2022

Dwg No. Bt\_Det\_R21-401 - Brampton Traditional, received 19.05.2022

Dwg No. Kn\_Det\_R21-401 - Knebworth DT Traditional, received 19.05.2022

Dwg No. Ki\_Trad\_Det\_R21-401 - Kielder Traditional, received 19.05.2022

Dwg No. 211-WD21 - 1 Bedroom affordable dwelling, received 19.05.2022

Dwg No. 421-WD21 - 2 Bedroom affordable dwelling, received 19.05.2022

Dwg No. 531-WD21 - 3 Bedroom affordable dwelling, received 19.05.2022

Dwg No. SG-02 - Double Garage, received 19.05.2022

Dwg No. SG-01 - Single Garage, received 19.05.2022

Dwg No. BT-02\_04 Rev 04 - Boundary Treatment Plan, received 14.07.2022

Dwg No. D01 - 1.8m Brick Screen Wall, received 19.05.2022

Dwg No. D02 - 1.8m Close Boarded Fence, received 19.05.2022

Dwg No. D07 - 1.8m Close Boarded Gate, received 19.05.2022

Dwg No. D31 - 1.8m Brick Wall with Timber Fence, received 19.05.2022

Dwg No. D13 - Timber Knee Rail, received 19.05.2022

Dwg No. 10247-100-01 Rev B - Engineering layout, received 15.08.2022

Dwg No. 10247-100-02 Rev B - Engineering Layout, received 15.08.2022

Dwg MC-01\_01 Rev 01, Management Company Plan, received 14.07.2022

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

3. **Prior to the construction of the dwellings** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings and garages 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.

4. **No construction works 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.

5. **No construction works shall take place** until an intrusive site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the occupation of any dwelling in accordance with the approved details and retained in perpetuity.

**Reason** - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

6. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 5, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning

authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

**Reason** - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

7. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

**Reason** - To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination. To accord with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

**Reason** - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. To accord with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **No development or site clearance shall take place**, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

**Reason** - To ensure compliance with the Wildlife and Countryside Act 1981.

10. **No development shall take place** until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of works shall be fully implemented in accordance with the requirements and standards of the written scheme.

**Reason** - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and in accordance with policy CW1 of Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. 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 or detriment to the environment, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

12. **No development shall commence** until a scheme to protect the structural condition of the strategic public sewers (in particular the surface water box culvert) located within the eastern boundary of the of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

**Reason** - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

13. The pumping station, as indicated on the Site Plan (Dwg No. SP-03-Rev 07), shall not be constructed until details (including safety enclosure) have first been



submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

14. **Prior to construction works commencing** on site, details of the shared surface roads, as illustrated on the Site Plan (Dwg No. SP-03-Rev 07), including sections, levels and the surface material finishes, shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details, prior to the occupation of the dwellings.

**Reason** - To ensure that the development will be visually attractive and that a safe environment for pedestrians is provided to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

15. **Prior to construction works commencing**, details of a scheme for the provision of electric vehicle charging infrastructure (to be provided within the site), shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings.

**Reason** - In the interest of minimising the potential impacts on the Air Quality Management Area and to encourage the use of ultra low emission vehicles, in accordance with Planning Policy Wales 11th Edition and Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

16. **No construction works shall commence**, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and monitor the emission of dust and dirt during demolition and construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) a travel plan for the management of construction traffic to avoid the Air Quality Management Area along Twynyrodyn Road; and
- viii) details of a suitably qualified ecologist to oversee and monitor all works relating to habitat creation and management for the duration of the development.

**Reason** - In the interests of the highway safety and free flow of traffic and to protect the environment in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

17. 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.

18. **Prior to the occupation** of the dwellings hereby approved details of the brickwork to be used in the construction of boundary walls, as illustrated on Dwg No. BT-02\_04 Rev 04, shall be submitted to and approved by the local planning authority. The boundary enclosures shall be completed in accordance with the approved details prior to the occupation of the dwellings.

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

19. **Prior to the occupation of any dwelling** a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing, as illustrated on Site Plan (Dwg No. SP-03-Rev 07) shall be provided in accordance with the approved scheme and shall only be used for affordable housing purposes in accordance with the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason** - To ensure an appropriate level of affordable housing is delivered in accordance with Policies SW2, SW9 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

20. Notwithstanding the provisions 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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house.

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

21. Notwithstanding the provisions of 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 roof enlargements and/or dormer windows shall be constructed on any dwelling.

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

22. **No development shall take place** until details of a soft landscape scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- planting plans, illustrating areas of onsite habitats to be retained insitu and enhanced;
- the planting of native species of local provenance, with no ornamental, cultivar or nativar species;
- to include a 2m wide (once established) double hedgerow with trees along the eastern boundary linking to off-site scrub comprising standard hedgerow species and heavy standard tree species, with a minimum of 5 species in the mix;
- the provision of a wetland environment around at least one of the attenuation basins in the southern part of the site;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme, including the phasing of work, for the provision of the public open spaces within the area outlined on Dwg No. MC-01\_01 and for the provision of the active travel route illustrated on Dwg No. AT-02\_02 Rev 02.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of each phase of the 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, that it compensates for the loss of habitats and that adequate open space/recreation area is provided in the interests of amenity and to accord with Policies SW11,

EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

23. **Prior to the occupation of the dwellings**, a detailed 25 year landscape and habitat management plan, including management responsibilities and maintenance schedules for all landscaped and habitat areas (including the reptile receptor site), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape and habitat management plan shall be carried out in accordance with the approved details.

**Reason** - To ensure that the new development will be visually attractive in the interests of amenity and to protect the natural environment in accordance with Policies SW11, EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

24. **No development shall take place**, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of existing trees and vegetation to be retained, which shall include a plan setting out the protective measures across the development. The development shall be carried out in accordance with the approved details.

**Reason** - To protect the existing trees and vegetation on the site during the course of construction works in the interest of amenity in accordance with Policies SW11, EW1 and EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

25. **Prior to the occupation of the dwellings**, 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:

- horizontal and vertical illuminance plans demonstrating dark corridors/routes along the southern and eastern boundaries, together with dark routes for access to the integral bat boxes.
- the lux levels within the dark corridors shall not exceed 0.2 lux on the horizontal plane and 0.4 lux on the vertical plane
- the onsite lighting shall include appropriate colour temperatures of no more than 2700 Kelvin and peak wavelengths of no more than 550nm.

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 Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

26. **Prior to works commencing on site**, details for the provision of integral bat boxes and integral bird boxes on 50% of the dwellings hereby approved, shall be submitted to and approved in writing by the local planning authority. Plans shall be provided to illustrate their location within the site and their position on

the dwellings, together with details for a mixture of bat boxes and bird boxes to support a range of species. The bat and bird boxes shall be provided in accordance with the approved detail prior to the dwellings being brought into beneficial use.

**Reason** - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

27. **Prior to works commencing on site** a reptile mitigation strategy, including full details of a suitable receptor site for the translocation of reptiles and associated enhancement measures, shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

**Reason** - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

28. The parking spaces and carports as illustrated on the Site Plan (Dwg No. SP-03-Rev 07) shall be constructed prior to the occupation of the dwellings and shall be retained for such purposes at all times thereafter.

**Reason** - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

## INFORMATIVES

1. The grant of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, in so far as it affects a right of way, should not be started; and the right of way should be kept open for public use until the necessary order under s.247 or s.257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. If you need advice about the right of way and bridleway crossing the site, you should contact the Rights of Way Division on 01685 725309/rightsofway@merthyr.gov.uk.
2. The application/developer is advised to liaise with the Council's SuDS Approval Body (SAB) before any construction works begins, in respect of any necessary permissions relating to surface water drainage requirements, under Schedule 3 of the Flood and Water Management Act 2010. If you require any advice, you should contact the SAB officer on 07759 137063/SAB@merthyr.gov.uk.