

DELEGATED REPORT

Application No:	P/23/0004
Site Address:	Land To The West Of Heol Tai Mawr Swansea Road Merthyr Tydfil CF48 1LG
Development:	Creation of a footpath and associated works
Case Officer:	Marlene Ferreira
Site Visit:	26 th January 2023
Application Expiry Date:	9th August 2023
Consultation reply date expired:	2nd February 2023

APPLICATION SITE

The application site relates to a largely vacant and steeply sloping grassed embankment located to the east of Merthyr Valley Homes Office building. The land is broadly rectangular in shape and is elevated above the highway of Heol Tai Mawr. It is bound by a three-storey block of flats to the north and a narrow footpath to the south.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a footpath, running north to south, on the grassed embankment to serve a play area recently approved under planning permission P/20/0288.

The footpath would be constructed with a rubber gravel mix surface and a compacted subbase. It would follow the topography of the site and measure between 1.3 metres and 2.85 metres wide. It would run north to south, extending just short of 60 metres in length. It would be enclosed by a 1.2 metre high bow top galvanised fence (for approximately 20 metres) to the north. A 1.3 metre wide section of an existing low brick wall at the southern part of the embankment would be removed to allow the proposal to adjoin the existing adopted footpath, which links Heol Tai Mawr road (to the west) to Maen Dy road (to the east).

A footpath was approved under planning permission P/20/0288 to serve the play area. However, following its construction it was noted that the footpath did not comply with the Disability Discrimination Act (DDA) and as a result of its topography it is currently a hazard to wheelchair users. This application therefore seeks to provide an adequate inclusive footpath with suitable access to the play area for all its users. The existing footpath to the

north would be removed and the land would be re-instated to its former use and appearance.

PLANNING HISTORY

The most recent and relevant planning history relating to this site is noted below:

P/20/0288 - Demolition of existing buildings and construction of 4 buildings comprising 2 bungalows, 8 flats and 2 dwellings with landscaping, car parking, drainage arrangements and new play area – Approved: 5th March 2021

CONSULTATION

Head of Engineering	No objection.
Planning Division's Ecologist	No objection.
Planning Division's Policy Officer	No response.
Environmental Health Manager	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of 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. In particular, it highlights the need to focus on increasing the delivery of social and affordable homes.

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

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

Para 6.4.21 – 6.4.23 notes 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 the potential harm to any protected species and habitats.

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

- TAN 5 Nature Conservation and Planning
- TAN 12 Design

Local Planning Policy

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

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy SW13 – Protecting and Improving Local Community Facilities

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) 4 - Sustainable Design (July 2013)

Supplementary Planning Guidance (SPG) 5 – Nature and Conservation (May 2015)

PLANNING CONSIDERATIONS

Principle of the development

The application site lies within the settlement boundary where development is supported by Policy SW4 of the LDP. As such, the proposed footpath, which would be required to serve the play facility, would be acceptable in principle provided it complies with other relevant policies. Indeed, this would support an important community facility in this residential area and would therefore be welcomed.

LDP Policy SW12 states that *'...development that encourages a modal shift towards sustainable transport will be supported, including the enhancement of pedestrian, cycle, rail and bus facilities in addition to necessary road improvements. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport...'* Given that the proposal would provide a more suitable pedestrian footpath to the play area for use by the local community, including wheelchair users, this form of development would support sustainable travel methods in accordance with LDP Policy SW12.

Character and Appearance

The proposed footpath has been considered in respect of its impact upon the character and appearance of the area. In this instance however, the footpath would be provided on the flattest part of the grassed embankment and run from the north to the south and as such, would follow the topography of the land without the need for any significant engineering works. The use of a rubber gravel mix for the footpath would be an acceptable surface finish. Whilst the use of a more sympathetic material surface finish would normally be encouraged, such as compacted gravel with softwood edging, it should be noted that such a material would not be adequate for all users, including wheelchair users, and would therefore not be appropriate in the instance. Furthermore, the site lies in a predominant

residential area comprising dwellings, shops and other community facilities, and the proposal would therefore not cause an adverse visual impact within this context. It should also be noted that some additional landscaping is proposed, which would include the planting of a hedgerow to soften the appearance of the footpath. As such, the proposal accords with LDP Policy SW11.

Residential Amenity

The proposed development has been considered in respect of its impact upon the amenities of nearby occupiers. The nature of the proposed development and the fact that there are no nearby residential properties immediately adjacent to the site, would mean that the development, once completed, would not have any adverse impact upon the amenities of residents. As such, the proposal accords with LDP Policies SW11 and EnW4.

Ecology

Given the nature of the proposal, no ecological survey work was required in association with these works. However, in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' the Council's Ecologist has requested enhancement works, which included the planting of a hedgerow to the east of the proposed footpath. A landscaping plan to show such details has been considered by the Council's Ecologist and no objections have been raised. Therefore, the proposal complies with LDP Policy EnW1.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant policies.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Plan: Merthyr Valley Homes Lansbury Road, quote no: 11437f, received: 10th January 2023;
- Drawing Title: Landscape Plan, Drawing no: Figure 1, Rev A, received: 20th April 2023;

- Project: Lansbury Close, Drawing no: 23136-C-SK100-0, received: 27th June 2023.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

4. Within 3 months of the completion of the footpath hereby approved, the existing footpath to the north, as approved under planning permission P/20/0288, shall be removed from the land in its entirety and the land shall be restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority **prior to the commencement of development.**

Reason - In the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services
P.P.

DATE: 30.06.2023