

DELEGATED REPORT

Application No:	P/22/0298
Site Address:	Land At Springfield Rise Treharris
Development:	Reconfiguration of footpath, bin store and parking bays
Case Officer:	David Cross
Site Visit:	16th November 2022
Application Expiry Date:	2nd January 2023
Consultation reply date expired:	8th December 2022

APPLICATION SITE

This applications relates to a small vacant parcel land located on the northern edge of Treharris, adjacent to Springfield Rise, which includes large detached dwellings to the north-east and semi-detached dwellings to the south-east. The site forms part of a larger area of land that has recently been granted permission (P/21/0416) for residential development comprising 23 residential units. It is bound to the south-east by the highway serving Springfield Rise and on all other sides is vacant land.

It is noted that the land within the site and in the immediate surroundings has been significantly disturbed with a plateau created to the south-west and a steep embankment to the north-east, which slopes up to a much higher level that is partly supported by an existing brickwork retaining wall.

PROPOSED DEVELOPMENT

Full planning permission is sought for an alteration to the previously approved residential scheme (P/21/0416) for the reconfiguration of a footpath in order to maintain pedestrian access along an existing Right of Way. As part of the wider residential scheme, the existing Right of Way would be diverted along a new footpath, which would eventually form part of the adopted highway. It is proposed that a retaining wall incorporating two flights of steps would be constructed to provide a link to the Right of Way on the adjoining land (to the north-east), which is at an elevated level to the site. The stairs would incorporate a landing area at the midpoint and at the top with handrails along either side. Railings would be provided along the top retaining wall. A series of enclosed bin store areas would also be integrated into the structure below the stairs, which would serve the approved residential development.

The structure would measure approximately 7.6m wide by 3m deep and 3.5m high to the top of the handrails. The retaining wall, stairs and bin store areas would be constructed using facing brickwork with brick capping along the top of the walls. The handrails, railings and metal bin store doors would have a powder coated finish.

PLANNING HISTORY

P/21/0416 - Proposed residential development comprising 23 affordable dwellings with associated drainage and access works.

Permission GRANTED on 11.02.2022

P/15/0276 - Erection of 9 detached dwellings.

Permission GRANTED on 27.11.2015

P/09/0300 - Erection of two dwellings (pair of semi detached).

REFUSED permission on 05.05.2010 due to poor design and impact on the right of way.

P/05/0476 - Drainage, road access and plot layout (to serve residential development consent ref: P/04/0029).

Permission GRANTED on 30.09.2005

P/04/0029 - Residential development - 26 plots (Outline).

Permission GRANTED on 10.09.2004

CONSULTATION

Head of Engineering
and Highways - No objection.

Rights of Way - No objection.

Welsh Water - No objection subject to a conditions relating to surface water and land drainage.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, a site notice was displayed within the vicinity of the site.

No representations were received as a result of this publicity exercise.

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.

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 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.

Technical Advice Notes (TAN):

- TAN 5 Nature Conservation and Planning, September 2009
- TAN 12 Design, March 2016

Local planning policy

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

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection
- Policy EcW10 – Sustainably Supplying Minerals
- Policy EcW13 – Minerals Safeguarding

Supplementary Planning Guidance (SPG):

- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary where new development is generally encouraged and supported in principle by policy SW4 of the LDP. The proposal would also form part of the wider residential scheme and is deemed necessary to ensure the existing Right of Way remains accessible once the development has been completed.

The proposal would have a negligible impact on the approved (P/21/0416) residential layout and access arrangements. In this regard, it is noted that the stairs would be accessed from the footpaths that would also serve the approved block of flats, which links to the highway. Additionally, there would be no impact on the dedicated off-street parking serving the residential development. It is noted that the Head of Engineering and Highways have not raised any highway safety concerns.

Although the proposal would not include provision for disabled access alongside the stairs (i.e. a ramp), it is acknowledged that the accessibility along the Right of Way is already limited due to the undulating nature of the terrain, with no formal path and the steep changes in levels. Indeed further along the Right of Way the route has since been blocked by extended rear garden areas making the route inaccessible to the public. Furthermore, there is a planning application to develop the adjoining land (P/22/0186), which would have a further impact on the Right of Way. Notwithstanding this, the proposal would overall improve the means of access along part of the Right of Way.

In regards to the potential impact on residential amenity, the development would be a sufficient distance away from any properties to not result in an overbearing impact. Indeed the retaining wall and stairs would be of a similar size to the retaining wall approved as part of the wider residential development (P/22/0416). The stairs would incorporate landing areas in elevated positions, which may give rise to a degree of overlooking into nearby garden areas. However, this would not differ significantly from the existing situation where the public may use the Right of Way. It is acknowledged that no objection was raised as a result of the publicity exercise.

The provision of a retaining wall and enclosed bin store area was previously approved within the site as part of the wider residential scheme (P/21/0416). The notable difference with this application is the construction of a stepped access to the top of the wall with a bin store incorporated into the structure. The development would be seen in the context of the residential scheme. The siting of the stepped access has been informed by the alignment of the Right of Way. To integrate the development with the surrounding environment, it is proposed that the structure would have a brickwork finish to match that used on the approved block of flats. Railings would also be used along the top of the wall (instead of timber fencing), to avoid the use of solid barriers at elevated levels in a prominent location along the highway.

It has been identified as part of the wider residential scheme (P/21/0416) that the land within the vicinity of the site has the potential to support protected species, in particular reptiles. The Planning Division's Ecologist is satisfied that appropriate mitigations would be provided as part of the wider development, which includes this site. As such, it is not deemed necessary for further survey work or mitigation measures to be provided.

Overall, the development is deemed to be acceptable. It would not give rise to highway safety concerns, would not unacceptably impinge on residential amenity, would not adversely impact the character or appearance of the area and would not result in an unacceptable impact on protected species or habitats. Accordingly, the proposal complies with the relevant LDP policies.

CONCLUSIONS

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 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:

Drawing No. 1110 Rev P3 - Proposed PROW Site Plan, received 16.12.2022

Drawing No. 1810 Rev P3 - Proposed Elevations of PRIW Steps & Bin Store, received 16.12.2022

Drawing No. 6910 Rev P3 - Proposed PROW Steps & Bin Store Details, received 16.12.2022

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

3. **Before works commence on site**, details of the external material finishes to be used in the construction of the boundary walls, bin enclosures and railings, 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 development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

19/12/22