

DELEGATED REPORT

Application No:	P/24/0224
Site Address:	Land Adjacent Merthyr Tydfil Leisure Centre
Development:	Construction of new skate park with associated landscape works
Case Officer:	Kate Glover
Site Visit:	8th October 2024
Application Expiry Date:	20th November 2024
Consultation reply date expired:	24th January 2025

APPLICATION SITE

The application site comprises an area of land measuring approximately 0.24ha and forms part of the public realm within the larger Merthyr Leisure Village.

The application site is generally flat, with areas of paving, seating, two table tennis tables and some soft landscaping, which include grassed areas, shrubs and a number of trees. The area also has the benefit of lighting, which comprises a column in each of the corner of the site and another column in the area currently used for seating.

In terms the sites relationship with other nearby uses and buildings, the site is adjacent to the leisure centre, there are tennis courts to the east, the existing car park to the west and the bowling club near to the north. The previous skate park was positioned to the north of the site, but the skate park has been demolished and comprises an area of tarmac.

The application site is located within the settlement boundary and in an area that is identified as 'Playspace' located within an area of open space.

PROPOSED DEVELOPMENT

This application seeks full permission to provide a skate park and two seating areas for use by the public.

The proposed skate park would be located on an area of land that currently forms part of the public realm which accommodates a seating area. The site is situated between the existing carpark and adjacent tennis courts. The submitted plans indicate that the majority of the skate park would be enclosed by a bund around the outside with gaps to allow access/egress from the paved pedestrian area. The bund around the proposed skate park would measure some 2.06m high and 2m wide and be constructed with a concave slope on the external surface of the bund and the inside of the bund would incorporate slopes and features for skateboarding such as ramps and bowls. The interior walls of the bund, the skate park and its features would be finished in concrete. The external slope of the

bund and the land directly adjacent to it would be finished with artificial grass, the outward foot of the bund would be surrounded with a drain, next to which would be shrubs planting and grass.

Two semi-circular areas of public seating with benches would be created as part of this proposal, which would be positioned on either side of a new curved pavement that would link to other areas of public realm to the south and west. The submitted plans indicate that the existing paving material would be reused in the seating areas and a tree would be planted as a central feature of one of the seating areas.

The proposed curved pavement would essentially be a reconfiguration of the existing public space which would provide a pedestrian route around the skate park that links to the adjacent car park. It would also provide a connection to other facilities in the vicinity, such as the bowls club, leisure centre and the wider public realm.

In addition to the planting around the bund of the skate park as identified above, an area of meadow grass planting would be created in the east/south-eastern area of the site, and 4 of the 5 existing trees within the application site would be relocated to this area of meadow grass. The remaining tree would be located in the public seating area, as referred to above. Shrubs would be planted along the base of the bund around the skate park. It is noted that two existing trees on the western boundary of the site would remain in situ.

In respect of hard landscaping, it is noted that the existing paving material, which comprises of large module paviours, would be retained and reused for the pedestrian routes.

In respect of lighting, plans indicate that two new lighting columns would be provided on the north and south sides of the skate park, the columns would be positioned on the outside of the bund. Lighting, comprising of five 5m columns with directional lighting will also be provided along the pavement/pathway.

PLANNING HISTORY

The relevant planning history is summarised below:

P/08/0100	Section 73 application for the variation of condition 9 of planning permission P/06/0242 (relating to the clearance of vegetation) GRANTED 12.06.2008
P/07/0240	Erection of sports and leisure centre building, ten pin bowling, cinema and restaurant building and construction of associated site access, car parking and other site works RESERVED MATTERS APPROVAL 15.06.2007
P/06/0633	Erection of new building comprising ten pin bowling suite, 9 screen cinema and restaurant, and associated car parking and site infrastructure GRANTED 19.01.2007
P/06/0585	Demolition of existing leisure centre, erection of new sports and leisure centre building with associated site access roads, service facilities, car parking and pedestrian routes, including site infrastructure for further development GRANTED 22.12.2006

- P/06/0242 Development of new leisure centre, bowls club, hotel, backpackers hotel, cinema, 10 pin bowling complex, pub, restaurant and residential units (maximum of 30 units)
OUTLINE APPROVAL 21.08.2006
- P/04/0631 Development of new leisure centre, bowls club and associated landscaping, cinema, hotels, family pub and sandwich bar
OUTLINE APPROVAL 18.05.2005

CONSULTATION

Head of Engineering and Highways:	No objection
Estates Division	No objection
Planning Policy Officer	No objection
Planning Ecology Officer	No objection
Environmental Health Manager	No objection
Natural Resources Wales:	No objection
South Wales Fire and Rescue Service	No objection
South Wales Police:	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW10 Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities

- EnW1 Nature Conservation and Ecosystem Resilience
- EnW4 Environmental Protection
- EcW7 Tourism, Leisure and Recreation Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposal is acceptable in principle, would be an acceptable form of development with regards to its visual impact, the impact upon highway and pedestrian safety and its impact upon ecology.

Principle of Development

The proposal would be located within the settlement boundary and also within an area of open space, which is classified as 'Playspace'. LDP policies SW4 and SW10 are relevant to these designations.

Policy SW10 states that development proposals that improve the quality, quantity or access to open space will generally be supported and the proposal would replace the skate park that has been lost, thus contributing to health and well-being and provide additional public seating areas. As such the principle of development is acceptable and meets with the requirements of LDP policies SW4 and SW10.

Visual Impact

In general the skate park would be visually acceptable in terms of its contribution to the wider area, particularly given the area is designated as open space and further designated as a 'Playspace'. Indeed the skate park would contribute to the leisure offer in the vicinity with the adjacent bowls club, tennis courts and leisure centre. Furthermore, the development would essentially replace the previous skate park that has since been removed. The proposal would provide a more integrated environment with new seating areas provided which contributes to the overall attractiveness of the area.

The seating areas and main pedestrian route through the site would be resurfaced using the existing pavements and paving slabs within the existing public realm. The repurposing of existing materials is a sustainable approach and the areas of hard surfacing would generally appear the same as existing, albeit reconfigured to suit the new layout.

The replanting of the trees, meadow planting and shrub planting will provide green infrastructure which will soften the hard landscaping of the skate park and paved areas, thus assist to form a visually attractive development. Whilst the skate park itself would largely consist of concrete surfaces, the visual impact of this would be greatly reduced by the bunds which would screen it from distant views.

As referred to above there are 2 trees which are located within the application site and 17 identified on the plans. Of the trees identified outside of the site boundary 12 are within 1m to 1.5m of the application site boundary and 5 trees are within 3m to 6m from the application site boundary. These trees make an important contribution to the visual qualities of the area and it is important to protect these trees during the construction phase of the proposal. A condition can be used to ensure that the trees are protected during the construction phase of the proposal. The trees are also important to ecology and this matter is further discussed below.

The type of artificial grass to be used on the external slopes of the skate park bund has not been provided as part of the planning application. The bund will be visually prominent in the area and, therefore the colour and texture of the artificial grass will make an important contribution to the visual qualities of the area. A condition can be used to ensure that a visually acceptable form of artificial grass is used for the outside slopes of the bund.

In summary, both the skate park and the seating areas would in combination with the landscaping works assist to form a vibrant public realm and make an attractive contribution to the area. As such, the proposal meets the requirements of LDP Policy SW11.

Highway and Pedestrian Safety

The Head of Engineering and Highways (HEH) has not raised any issues relating to the use of the area as a skate park or the provision of public seating areas. The HEH notes that the application site is in close proximity to the previous skate park which has now been demolished. The HEH also notes the area is served by a large public carpark and is well served by public transport. As such no highway safety concerns have been identified.

The development would maintain an appropriate pedestrian and cycle route across the site, which follows a similar alignment linking to the leisure centre to the southeast and the public realm to the west which provides a connection towards the town centre and the active travel route which is located along the edge of the Taff which is to the east of the site. The pedestrian route and seating areas would largely be flat to maintain its accessibility for all users.

As such, the proposal meets the requirements of LDP Policy SW11.

Ecology

In respect of ecology, the Council's Ecologist has not raised any objection to the proposal. It is noted that site is of low ecological importance as it comprises predominantly of areas of hardstanding and paving with limited areas of amenity grassland and low numbers of trees. The trees contribution to ecological connectivity across the site is reduced due to their sporadic planting of single specimens. In terms of connectivity with the wider environment it is noted that the woodland corridor associated with the River Taff is some 50m distant from the site and connectively between the site and the woodland corridor is disrupted by the tennis courts, leisure centre and a bowling club. It is considered that the proposal will maintain or slightly increase biodiversity through the use of meadow seed planting rather than only amenity grass, new shrub planting and the retention/replanting of the existing trees. A condition can be used to ensure that the trees within and close to the boundary are protected during the construction phase of the proposal.

In regards to lighting, it is noted that 4 existing lighting columns along the perimeter of the site would be retained. Within the site, there would be two 8m high lighting columns to serve the skate park and a series of 5m lighting columns along the pedestrian walkway, with 3 lighting bollards around one of the seating areas. The lighting plans indicate the impact of lighting would generally be limited to the immediate public realm and would not have a significant impact on any notable green infrastructure or dark corridors for nocturnal species. It is noted that the site is already illuminated by existing street lighting within the site but also from the adjacent spaces, which form part of the wider public realm.

It is acknowledged that the Council's Ecologist has requested additional lighting details and has raised the question on the need for more lighting. However, the need for lighting has to be balanced against the need to provide a safe and secure environment for the public of which the Police have highlighted concerns of anti-social behaviour. It is considered that the location of the lighting is a sufficient distances away from the River Taff which may be support species and habitats that are sensitive to changes in the lighting levels. Taking into account the limited ecological value of the site, the presence of existing lighting, the proposed lighting is not deemed to give rise to a significant impact on protected species or the integrity of the surrounding green infrastructure.

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Whilst a GIS has not been submitted, a detailed landscaping plan has been provided, which contains details of meadow seed planting, new shrub planting and the retention/replanting of the existing trees. Given the nature of the application site, which is predominately hard surface with amenity grass and a few trees, it is has been adequately demonstrated that the proposal would provide a net benefit to the biodiversity value of the site through the additional planting proposed. The retention of existing trees to be replanted within the site would also provide suitable mitigation to minimise the harm to the existing environment. The ecological enhancements can controlled by condition, which would provide additional habitats in the local area and therefore contribute to the wider green infrastructure objectives.

As such, the proposal meets with the requirements of LDP Policy EnW1.

Conclusion

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Title: Demolition Plan, Drawing Number 0175-WSP-ZZ-XX-DR-A-040001 Rev P02, Received on 09 January 2025.

Drawing Title: Proposed Site Plan, Drawing Number 0175-WSP-ZZ-XX-DR-A-061010 Rev P02, Received on 09 January 2025

Drawing Title: Proposed Site Plan - wider context, Drawing Number 0175-WSP-ZZ-XX-DR-A-061011 Rev P02, Received on 09 January 2025

Drawing Title: Proposed Site Plan - Site Areas, Drawing Number 0175-WSP-ZZ-XX-DR-A-061012 Rev P02, Received on 09 January 2025

Drawing Title: Hard Landscaping Layout, Drawing Number 0175-WSP-ZZ-XX-DR-A-940001 Rev P02, Received on 09 January 2025

Drawing Title: Soft Landscaping Layout, Drawing Number 0175-WSP-ZZ-XX-DR-A-940002 Rev P02, Received on 09 January 2025

Drawing Title: Soft Landscaping Layout - Details, Drawing Number 0175-WSP-ZZ-XX-DR-A-940003 Rev P02, Received on 09 January 2025

Drawing Title: Proposed GA Site Elevations, Drawing Number 0175-WSP-ZZ-XX-DR-A-0620002 Rev P02, received 25 September 2024

Drawing Title: Proposed GA Site Sections, Drawing Number 0175-WSP-ZZ-XX-DR-A-0630002 Rev P02, received 25 September 2024

Drawing Title: Footpath Lighting, Drawing Number GC4243-WSP-13-XX-DR-E-1301 Rev P01
Flood Lighting Drawing Number GC4243-WSP-13-XX-DR-E-1302 Rev P01

Drawing Title: Flood Lighting, Drawing Number GC4243-WSP-13-XX-DR-E-1302 Rev P00
Flood Lighting Drawing Number GC4243-WSP-13-XX-DR-E-1302 Rev P01

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

3. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a tree protection management plan. The plan shall identify the existing trees to be retained and set out the measures for their protection throughout the course of development. The development 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 accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Before any construction works commences**, details of the artificial grass shall first be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing Ref: Soft Landscaping Layout, Rev P02, and Soft Landscaping Layout - Details, Rev P02) 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.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 23.01.2025