

DELEGATED REPORT

Application No:	P/22/0203
Site Address:	Maestaf Street Bridge Pentrebach
Development:	Replacement bridge with handrails and associated engineering works and provision of culvert
Case Officer:	Caroline Pulley
Site Visit:	11th August 2022
Application Expiry Date:	30th September 2022
Consultation reply date expired:	1st September 2022

APPLICATION SITE

The application site comprises a road bridge which crosses the Plymouth feeder channel in Pentrebach. The bridge is located to the south-west of Maestaf Street and runs from the south-west to the north-east.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a replacement bridge with associated engineering works and the provision of a culvert.

The replacement bridge would measure 6m wide and would be enclosed by 1m galvanised handrails on both sides. To achieve this, the submitted plans indicate that the road surface would be tapered out to accommodate a 6m width carriageway along the bridge. The existing abutments beneath the bridge would be removed and replaced with granular type 1 sub base upon installation of two box culverts each measuring 2.7m wide with a 1m internal clearance.

To the north-west of the bridge, it is proposed to undertake a series of engineering works. This would involve the construction of a 5.5m wide (max) concrete base enclosed on each side by 1.5m high precast retaining wall units. The land to each side of the embankment would be backfilled with material excavated from the channel. The proposed works also include the installation of Grass-crete platform on the northwestern side of the channel for the purposes of maintenance.

The application is supported by a Preliminary Ecological Appraisal.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection.
Environmental Health Manager:	No objection subject to conditions.
Natural Resources Wales (NRW):	No objection. Highlights that the application site lies partially within Zone C2 of the Development Advice Maps (DAM).
Welsh Water:	Highlights that the proposed development is located in close proximity to a number of public watermains. Raises no objection subject to conditions relating to a method statement and risk assessment for the protection of their assets and the disposal of surface water.
Ecologist:	No objection subject to the development being carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National 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) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 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.

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

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Technical Advice Note (TAN) 15 – Development and Flood Risk classes residential development as highly vulnerable development.

Local Policy

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

Policy SW4 – Settlement boundaries

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy CW2 – Cyfarthfa Heritage Area

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) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

Principle of the proposed development

The purpose of this development is to create a new bridge crossing over the Plymouth Feeder. As part of the scheme, engineering works would be undertaken to the channel and the watercourse would be culverted via a concrete base. As the works relate to an existing crossing within the settlement boundary, a replacement road bridge is supported by the policies of the LDP and as such, the principle of the development is acceptable.

Impact on the character and appearance of the area

The replacement bridge would be constructed in the same location as the existing. Whilst it is noted that the sides of the bridge would be enclosed by galvanised guardrails rather than a solid concrete structure, the overall appearance of the bridge would be similar in nature to the existing bridge, which it would replace. Whilst the removal of the vegetation on the site is regrettable, an appropriate condition would ensure that replacement planting is provided and this will help to mitigate some of the impact arising from this development.

Impact on residential amenity

There is already a bridge at this location and the proposed development would not result in any significant impact upon neighbouring amenity in relation to loss of privacy, loss of daylight, or noise and disturbance.

Flood risk

The site falls within a C2 flood risk zone (areas of the floodplain without significant flood defence infrastructure). Accordingly, the views of Natural Resources Wales have been sought on this application. Their comments acknowledge the absence of a Flood Consequence Assessment (FCA). Nonetheless, given the nature of the proposed development, no objections are raised to the scheme from a flood risk perspective.

Ecology and the environment

Comments received from NRW raise no objection to the application from a pollution perspective. The Council's Ecologist has also reviewed the submitted Preliminary Ecological Appraisal (PEA) and has raised no objection to the scheme, subject to all measures being carried out in accordance with the PEA. Therefore, subject to the mitigation and enhancement measures in the report being complied with, the proposed development is considered acceptable in this respect.

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.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

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 number 002-SC-01 Rev 01 (Site Clearance) received on 08.08.2022

Drawing number 004-WW-01 Rev 01 (Watercourse Works) received on 08.08.2022

Drawing number 005-GD-01 (Guardrail Detail) received on 08.08.2022

Drawing number 003-GA-01 Rev 02 received on 17.08.2022

Preliminary Ecological Appraisal July 2022 carried out by Redstart and received on 08.08.2022

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

3. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic water mains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in accordance with the approved details prior to the commencement of the development 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.

4. Prior to works commencing on site, details for the provision of three bat boxes and two bird boxes together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before the new bridge is brought into beneficial use.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

5. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

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

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

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

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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.

3. The developers attention to drawn to the comments and advice received from Welsh Water during the application process.

4. The applicant/developer attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. The applicant/developer is advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

Additionally, waste generated on site should be disposed of in a suitable manner and not burnt.

5. The developers attention is drawn to the comments received from Natural Resources Wales (NRW) during the application process.

The developer should be aware that the site falls within an area which is at risk of flooding. Additionally, due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelinesppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list>

During the construction phase the developer should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgps-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

28/9/22