

# DELEGATED REPORT

**Application No:** P/20/0194

**Site Address:** Pant Road Playground  
Pant Road  
Pant  
Merthyr Tydfil

**Development:** Temporary change of use of Pant Road Playground to create a secure a parking area for car parking, vehicle storage and on load/offload vehicle transporters, due to the construction of the A465 Heads of the Valleys dualling works, to be used in association with Merthyr Motor Auctions

**Case Officer:** Marlene Ferreira

**Site Visit:**

**Application Expiry Date:** 28th December 2020

**Consultation reply date expired:** 15th September 2020

## APPLICATION SITE

The application site is currently a children's playground (Pant playground) which forms part of a much larger triangular expanse of allocated open space (Policy SW10) known as the former Ivor Tip and Pant Hollow. The facilities on the application site consist of an enclosed equipped play area (various swings, a roundabout and a seesaw), a small Multi Use Games Area (MUGA) and open grassland. The land is fairly flat but rises gently from east to west. A tarmac footpath, located in the south western section of the site, links to the wider open space.

The site is bound by the embankment of the A465 (Heads of the Valley Road) to the north, a funeral home (Harp Funeral Services) to the south, Pant Road to the east and the wider area of open space to the west.

## PROPOSED DEVELOPMENT

Planning permission is sought for a temporary period of time (3 years but, depending on construction times, may be longer) to change the use of the playground and open space to a secure compound area for car parking, vehicle storage and to enable the on-load/off-load of vehicle transporters. The compound area would be used by Merthyr Motor Auctions (MMA) and is necessary to mitigate against the impacts of the widening of the A465. In essence, as a result of these major road improvements an area of MMAs operational land (in the vicinity of the Pant Road viaduct, at the northern boundary of the MMA site) would be unavailable for use during the construction of this part of the A465

works. The area is currently used by MMA as sales space, car parking, vehicle storage and as an on-load/off-loading facility for transporters.

Due to the complexities and phasing of certain works associated with the A465 widening scheme, two layouts (and associated accesses) are proposed for the temporary compound. The initial access into the compound would be via the road that serves Pant Industrial Estate. From this temporary junction a small access road would be created, under the A465 viaduct, before entering the compound along the northern boundary.

Following the diversion of a small section of the Pant Industrial Estate main road and creation of new access onto Pant Road (approved as part of the A465 works), the access into the compound would be relocated. This repositioned access, which would form the access into the compound for the remainder of the temporary period, would be located in the north eastern part of the site and from Pant Road. The plans submitted with the application show that, in both scenarios, parking and turning facilities can be provided which ensure the largest of vehicles (that would use the site) can enter and leave in a forward gear.

The compound would be secured and enclosed by 2.4m chain link fencing. Eight lighting columns would also be located at various positions around the perimeter of the site. The lighting columns would be 6 metres high.

It is proposed that the compound would be used from 08.00 – 22.30 on a Monday and Thursday and from 08.00 – 18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on a Sunday. The difference in times is due to the fact that the later auctions at MMA occur on a Monday and Thursday and therefore the compound would need to be utilised later on these days.

To initially mitigate against the loss of the playground, an additional piece of equipment is proposed to be installed at two play facilities within the vicinity of the site. These facilities are at Station Road and Trevor Close. These pieces of equipment (a play train at Station Road and a scramble slide at Trevor Close) would be installed prior to the removal of the existing facility.

Once the A465 works impacting on the MMA site have been completed and the land returned to MMA, the temporary compound would be removed and reinstated to a playground with modern equipment. A reinstatement plan has been submitted with the application, however, both the proposed initial mitigation (i.e. provision of equipment as highlighted above) and the provision of the 'new' play facilities would be dealt with outside of this planning application by means of a legal agreement(s) between the Council and the Welsh Government. A covenant which currently restricts the use of the site for the purpose of public recreation only also needs to be temporarily amended (via a separate legal process).

This application is supported by the following documents:

- A Planning Statement.
- Pant Road Playground Usage Report (October 2019)
- Outdoor Lighting Report (22/10/20).
- Pant Road Playground Ecology Report: Rev 1 (15<sup>th</sup> October 2020)

## PLANNING HISTORY

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

## CONSULTATION

Head of Engineering - No objection subject to a condition

Planning Division's Landscape Architect

No objection but suggests a hedge should be provided around the external perimeter of the site and pedestrian access should be maintained through the site to the wider open space beyond.

Planning Division's Policy Officer

- No objection.

Planning Division's Ecologist

- No objection subject to conditions.

Environmental Health Manager

- No objection.

Welsh Government (Transport) - No objection

## PUBLICITY

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

One letter of objection was received which, in summary, highlights the following:

- The letter includes correspondence from the writers (Harp Funeral Services Ltd) solicitor to the Welsh Government in respect of the impact of the A465 works on the business premises adjacent to the application site.
- The letter itself points out that the temporary car park would only exacerbate the nuisances caused by the works to the A465 and subsequent impact when completed.
- A replacement funeral home has been purchased in order to continue providing funerals which are not able to operate from the funeral home on Pant Road.
- There is a covenant on the land stating that it can only be used for recreational purposes.
- The highways department would set a precedent if it allows such a vehicle access to the site.

Ward Members have been notified of the objections raised and whether they wish the application to be reported to the Planning Committee. Councillor Hughes has declared an interest in the application and therefore cannot consider this issue, however Councillors Sammon and Amos wish the application to continue to be considered by the Chief Officer Planning and Neighbourhood Services under her delegated powers.

## POLICY CONTEXT

The following policies are relevant to the determination of this application:

Planning Policy Wales (PPW), Edition 10, December 2018

Para. 5 states good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

Para 3.22 points out that planning authorities should develop and maintain places that support healthy, active lifestyles across all ages and socio-economic groups.

Para 5.4.1 highlights that the planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.

Para 5.4.4 suggests that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

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 6.8.1 points out there is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

Technical Advice Notes (TAN):

TAN 5: Nature Conservation and Planning (September 2009)

TAN 18: Transport (March 2007)

TAN 23: Economic Development (February 2014)

TAN 12: Design (March 2016)

### Local planning policy

**Merthyr Tydfil Replacement Local Development Plan (LDP), January 2020:**

The following local development plan policies would apply: -

- Policy SW4: Settlement Boundaries.

- Policy SW10: Protecting and Improving Open Spaces.
- Policy SW11: Sustainable Design and Placemaking.
- Policy SW12: Improving Transport Networks
- Policy CW1: Historic Environment.
- Policy EnW1: Nature Conservation and Ecosystem Resilience
- Policy EnW4: Environmental Protection.
- Policy EnW5: Landscape Protection
- Policy EcW9: District Heating.

The following Supplementary Planning Guidance (SPG) are also applicable:

- SPG Note 4: Sustainable Design
- SPG Note 5: Nature and Development

## PLANNING CONSIDERATION

The application site is located within the settlement boundary and Primary Growth Area, where new development is generally encouraged and supported in principle by policy SW4 of the LDP. However, the application site comprises 0.28 of a hectare of land within the Lfor Tip and Pant Hollow area of open space, described as a public park and garden serving the Pant community in the Council's Open Space Strategy. The LDP Proposals Map designates the site as an Open Space. Policy SW10 states that proposals resulting in the loss of open space will only be permitted in the following circumstances where:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;
- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and
- In all cases, the open space has no significant nature or historic conservation importance.

As pointed out in the 'Playground Usage Report' the playground is dated and in '*need of complete regeneration*'. Notwithstanding its condition, it is still well used. Its loss would therefore have an adverse impact on the community. However, enhancements are proposed to the existing facilities at Trevor Close and Station Road to mitigate its temporary loss. Furthermore, following the proposed temporary occupation of the site, a modern facility would be provided that would undoubtedly bring about significant improvements and better experiences for all users. The hope being that its use would increase and provide even greater benefits for the immediate and surrounding communities. As such, given the above and the fact that the loss of the playground is only temporary and is essential to enable MMA to function adequately whilst the A465 works are carried out, the proposal is considered acceptable in terms of Policy SW10.

Although there would be no pedestrian route through the site to enable access to the wider open space beyond, access is available via Cross Lfor Terrace. Indeed, this route is highlighted on the LDP Proposals Map as an Active Travel route.

### Impact of the development on neighbouring properties

The proposed development would have the greatest potential to impact on Harp Funeral Services which adjoins to site to the south. As noted above, the owners of this premise have raised an objection to the proposal. The objections raised are fully appreciated and there is no doubt that the proposed use would result in more noise and disturbance than the current use of the site. However, the site is located adjacent to the busy Pant Road, opposite MMA and next to the A465. There is therefore, at present, a significant level of (background) noise and disturbance in this location. The primary use of the site is also for parking purposes which, on its own, would not create a significant level of noise.

It is noted that the objector submitted a copy of a letter which was sent to Welsh Government in respect of the A465 works. This application has to be dealt with on its own planning merits but it is appreciated the proposal has come forward as a direct result of these works.

The temporary proposal would only be operational during the construction phase of this section of the A465 works. Therefore, it would most likely result in far less noise and disturbance when compared to the major engineering and other operations required to complete these works. The site would also only be used from 08.00 – 22.30 on a Monday and Thursday and from 08.00 – 18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on a Sunday. It would also revert back to a playground when this part of the A465 works are completed. Given that the applicant is understandably unsure of the exact completion timescale for this section of the A465 works, it is considered pertinent to allow a temporary 4 year permission.

In terms of the visual impact of the development, when viewed from Harp Funeral Services, there is currently a palisade fence, which is partly covered with a hedge, along the boundary which separates the two sites. This would provide some screening, however, the applicant has suggested that additional solid screening could be installed along part of this boundary. Details of such screening could be secured by means of a suitably worded condition. The proposal would undoubtedly be visually detrimental when compared with the existing use. However, these visual effects have to be balanced against the positive economic impacts of the continued functioning of MMA and the fact that the use of the site would only be temporary. Additional landscaping was considered around the boundary of the site but given the layout and the time periods involved to enable any landscaping to mature, it was not considered necessary (i.e. the landscaping would not fulfil its purpose). Furthermore, any landscaping would most likely have to be removed as a result of the construction of the 'new' playground. Therefore it would not be sustainable or cost effective. Given the above, the proposal accords with Policy SW11 of the LDP.

#### Impact on Highway Safety

The proposal is a temporary replacement for the existing facility at the MMA site. Therefore, there would be no increase in traffic movements on the surrounding roads as a result of this proposal. Plans have been submitted which indicate that, in both access and layout scenarios, on site turning and manoeuvring facilities can be provided to ensure that even the largest vehicle, which would use the site, could enter and leave in a forward gear. The Head of Engineering considers that both proposed accesses would be suitable to cater for the vehicle movements in an out of the site without having an adverse impact on highway safety. Whilst it is noted that the objector suggests that, if allowed, the access would set a precedent, each planning application must be determined on its own merit. In this case, for the reasons highlighted above, the traffic movements would not have an

unacceptable impact on highway safety. As such the proposal accords with Policy SW11 of the LDP.

### Ecology impact

The Ecology Report highlights that the built-up residential and industrial area with multiple sources of artificial lighting already affects how bats use this area and surrounding habitat. However, light-sensitive bat species have been recorded within 2km of the proposed site. Given this, the lighting scheme for the site has been specifically designed to minimise any impact on this protected species. For example, the lighting has been designed to limit any horizontal or vertical spillage (i.e. to direct light downwards and only within the site area). The types of lights proposed are those which are more sensitive to bats. It should also be noted that by limiting light spillage, the visual impact of this part of the proposed development (including impacts on dark skies) and any impact on neighbouring properties is significantly reduced.

The final layout has also taken into account breeding birds (i.e. designed to prevent the felling of a Sycamore tree) and the Ecology Report concludes that the site has limited potential to support other protected species. In terms of ecological/biodiversity enhancements, these would be provided as part of the reinstated playground.

The Planning Division's Ecologist has, following additional information submitted in support of the application, raised no objection. Therefore the proposal is in accordance with Policies EnW1 and EnW4 of the LDP.

### Other issues

It is noted that the objector has purchased another property in order to continue providing funerals which are not able to operate from the funeral home on Pant Road. With regard to the covenant on the land which states it can only be used for recreational purposes, this is legal matter that has to be considered outside of the determination of this application.

### 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.

It is recognised that this proposal would have a temporary impact on the immediate and wider community, the character and appearance of the area and the adjoining commercial property (Harp Funeral Services). However, the wider economic benefits (i.e. the efficient operation of MMA and the completion of the A465 works) outweigh the temporary harm that would be caused by the proposed development. Furthermore, the development has been designed, and conditions are recommended, to limit some of these impacts. Therefore, 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 use of the site shall cease and all vehicles, associated equipment and other paraphernalia removed from the land in its entirety on or before four years from the date that the development, hereby permitted, was brought into use. The date of commencement shall be submitted to the local planning authority in writing at least 2 weeks before the use commences.

**Reason** - Planning permission is granted for a temporary period only having regard to the particular circumstances of the application.

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

Proposal Plan: 2191100/P0

Access Statement Plan: B2191100-JAC-LSI-DR-HE-9400-0406/P0

Access Statement Plan (Temporary configuration): B2191100-JAC-LSI-DR-HE-9400-0407/P4

Compound Column Elevation Drawing: B2191100/JAC/LSI/SD/HLG/9400/0403/P0

Lighting Proposal Layout Plan: B2191100-JAC-LSI-DR-HE-9400-0411/P1

Jacobs: Outdoor Lighting Report (22/10/20).

Jacobs: Pant Road Playground Ecology Report: Rev 1 (15th October 2020)

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

4. No activity shall take place on the site outside the hours of 08.00 - 22.30 on a Monday and Thursday, 08.00 - 18.30 on a Tuesday, Wednesday, Friday and Saturday and not at all on a Sunday.

**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.

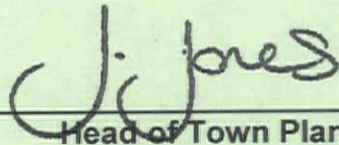
5. Before the development, hereby permitted, is brought into use details of the boundary fencing/treatment (including the solid screening along the southern boundary with Harp Funeral Services) shall be submitted to and approved in writing by the local planning authority. The boundary fencing/treatment shall be erected in accordance with the approved details before the development is brought into use.

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

6. The parking/storage of vehicles shall only take place in those spaces highlighted on approved drawings B2191100-JAC-LSI-DR-HE-9400-0406/P0 or B2191100-JAC-LSI-DR-HE-9400-0407/P4 (depending on which layout has been implemented). The turning/manoeuvring areas identified on the permitted layout being utilised shall be permanently maintained, free of any obstruction, for the lifetime of the use of the site.

**Reason** - In the interests of highway and pedestrian safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

10/12/20