

DELEGATED REPORT

Application No:	P/23/0200
Site Address:	Land To The North West Of Glasier Road And To The South Of Taff Glen View And Primrose Hill, Twynyrolyn
Development:	Construction of footpaths within existing public open space
Case Officer:	Rebecca Owens
Site Visit:	5th September 2023
Application Expiry Date:	24th October 2023
Consultation reply date expired:	25th September 2023

APPLICATION SITE

The application relates to a parcel of undeveloped land which is designated open space within the Local Development Plan. It is located in a mainly residential area and the open space is largely bound by dwellings.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of footpaths within the existing area of public open space. The route of the footpaths follow existing desire lines within the site with a central pathway leading from the entrance to the north east of the site down in a south westerly direction and forking off to the west to the entrances off Taff Glen View and Highland View.

The paths would typically be 1.5m in width formed between treated softwoods sides. The footpaths themselves would comprise of a hard core sub base, a free draining base course (self-binding gravel) and a top course of self-binding gravel.

PLANNING HISTORY

The relevant planning history is detailed below:

P/17/0328 Engineering operation to provide a new surfaced footpath and replacement of damaged gates and fence
Granted planning permission subject to conditions on 21 December 2017

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering and Highways	No objection
Ecology Officer	No objection
The Coal Authority	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, six 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) 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 11, February 2021)

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW10 Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW4 Environmental Protection

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

Principle

The application site is located within the settlement boundary and as such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect, it is noted that the footpaths would be formed within an area designated as open space by the LDP. As such policy SW10 would be a relevant consideration. This policy seeks to protect and enhance open spaces supporting development that improves the quality, quantity or access to open space. This proposal would provide footpaths along established desire lines improving access through the open space and as such would be in accord with this policy. In addition, the footpaths would provide formalised paths which would improve accessibility for walking and cycling which encourage more sustainable and healthy means of travel.

Visual impact

The proposed footpaths are located on an area of open space comprised mainly of semi-improved grassland with mature trees and areas of scrub. There is an existing pathway running through the site in a north to south direction and a number of worn paths identifying walking routes through the area. The proposed footpaths are relatively basic in their construction and appearance and would follow the worn paths already created by users of the area. They would also be typical in their construction and appearance to the pathways often seen in such areas. As such it is not considered that they would adversely impact its character or appearance or indeed impinge on Urban Character Area 3. The proposal would therefore accord with Policies SW11 and CW1 of the LDP.

Residential amenity

The proposed footpaths would formalise desire lines created by users of the public space and would have no additional adverse impact on the residential amenities of the surrounding occupants. As such the development would not contravene Policy SW11 of the LDP with respect to residential amenity.

Ecology

A walk over survey of the site has been undertaken which notes that the route of the paths would follow tracks already worn through the site by the public. As such and having regard to the nature of the proposal the survey considered it unlikely that there would be any impact on protected species providing that any clearance is undertaken in line with a method statement and under ecological supervision. The Ecology Officer is satisfied with this report and the proposed compensation and enhancement measures within it.

Land stability

The application site is located in an area at high risk from past coal mining activities. However, given the scale and nature of the works proposed the Coal Authority do not consider a Coal Mining Risk Assessment necessary to be necessary and they have therefore not objected to the application.

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/REASONS:

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 Title: Site location plan, Drawing Number: LA.01.056.035.12 Rev. A, Amended Plan Received on 13 September 2023.

Technical Note produced by BE Ecological Ltd dated 28 September 2023, Received on 29 September 2023

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

3. All planting and seeding for the wildflower strips outlined in the Technical Note produced by BE Ecological Ltd, shall be carried out in the first planting and seeding seasons following the completion of the development.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 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.

3. The developer is advised that there is Japanese knotweed within the site and it is an offence to plant or cause this species to grow in the wild. As such the works should be carried out to ensure compliance with the Wildlife and Countryside Act 1981.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Shallow coal seams: In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is

available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



PP. Director of Neighbourhood Services

DATE: 18.10.2023