

DELEGATED REPORT

Application No: P/20/0187

Site Address: Mountain Hare Rugby And Football Fields
Pantyffyn Road
Mountain Hare
Merthyr Tydfil

Development: New footpath linking changing rooms to football pitch

Case Officer: Rebecca Owens

Site Visit: 18th August 2020

Application Expiry Date: 9th October 2020

Consultation reply date expired: 8th September 2020

APPLICATION SITE

The application relates to land within Mountain Hare Rugby and Football fields, which are situated within a mainly residential area within the settlement boundary. The site is also classed as an Open Space within the Local Development Plan. The fields lie adjacent to one another with the rugby ground occupying a higher level than the football pitch to the south-west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the creation of a footpath that would link the changing rooms, located next to the rugby pitch, to the football pitch located to their south-west. The footpath would run from the changing rooms along the rugby ground in an easterly direction around the eastern corner of the pitch and then in a south easterly direction along the rugby pitch, down the sloping embankment and onto the football pitch. The pathway would be 1.8m in width with treated timber path edges, flanked by timber stakes. The path would be formed from 150mm thick type 1 compacted sub-base with a surface of 50mm thick compacted stone dust.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

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

Coal Authority No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

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
SW13 Protecting and Improving Local Community Facilities
CW1: Historic Environment
EnW1: Nature Conservation and Ecosystem Resilience
EnW2: Internationally and Nationally Protected Sites and Species
EnW4: Environmental Protection

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and relates to existing football and rugby fields. As such, the principle of the development is deemed acceptable. Furthermore, the creation of a formal footpath would in no way harm this area of open space and could be seen as an improvement, which provides a more formal connection between the changing facilities and the sport pitches. It is therefore in accord with Policies SW4, SW10 and SW13 of the LDP.

The creation of the proposed footpath, which is level with the ground, would not have a significant impact on the character and appearance of the area and no concerns area raised with regard to visual impact. Indeed footpaths such as this are typically found in open spaces such as sports fields, parks etc. and thus it would not appear incongruous or out of place. It is also recognised that the site lies within Urban Character Area 3 (Twynyrodyn, including Ysgubor Newydd and Penyrheol) but it is not considered that the proposal would have any adverse impact on the area. It is therefore found to concur with Policies SW11 and CW1 of the LDP.

Regard has also been had for the impact of the proposal on residential amenity and in this respect, it is noted that the application site is in close proximity to a number of residential properties. However, it is not considered that the creation of a pathway along the edge of the fields would give rise to any harmful impact. It is recognised that by providing a formal pathway, users of the fields would be more likely to walk this route, which may give rise to some additional pedestrian activity, but it is not considered that the level would be significant enough to raise concerns in relation to noise and disturbance. Furthermore, no re-profiling or raising of levels are proposed and as such, there would not be any additional overlooking or loss of privacy as a result of the works. The scheme therefore complies with Policy SW11.

The Division's Ecologist has also considered the proposal and has noted that the proposed footpath would run though a section of less managed grassland which is suitable

for reptiles. Accordingly, he has indicated that a reptile management strategy would be required which can be dealt with via condition. An informative relating to nesting birds is also recommended.

It is acknowledged that whilst the majority of the footpath would be created on relatively flat land, there is a section between the two pitches, which is quite steeply sloping. This may make the pathway difficult for those with Mobility issues. However, to provide a more user-friendly route would require more substantial engineering work. Thus while it is recognised that the pathway is not ideal, it does improve access from the existing situation and as such it is not justifiable to refuse the application on such grounds. It is also recognised that the steepness of the decline may make its use difficult but as this would be erected on private land, any health or safety issues would be a matter for the landowner.

The application site is located in an area identified as being at high risk from past coal mining activities with The Coal Authority records indicating that the application site lies in an area of probable shallow coal mining. However, when considering the nature of this particular development proposal, it is unlikely that the creation of a new footpath will require substantial earthworks. On this basis The Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed and do not object to the application.

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: Existing & Proposed Plans, Drawing Number: MT HARE 01,
Received on 14 August 2020.

Drawing Title: Proposed Plan & Sections, Drawing Number: MT HARE 02,
Received on 14 August 2020.

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

3. **No development shall take place** until a reptile management strategy has been submitted to and approved in writing by the Local Planning Authority. All construction activities shall be implemented in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of 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, digging of 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

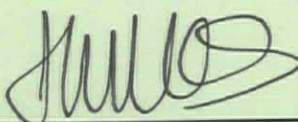
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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/coalauthority

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/9/20