

DELEGATED REPORT

Application No:	P/22/0113
Site Address:	The Footbridge West Of Victoria Street Merthyr Vale Merthyr Tydfil
Development:	Introduction of solid steel plating parapets and a GRP (Glass Reinforced Plastic) unit on the existing structure
Case Officer:	Huw Roberts
Application Expiry Date:	13th June 2022

APPLICATION SITE

The application site relates to footbridge located to the west of Victoria Street, Merthyr Vale. The footbridge enables pedestrian access from a rear lane (serving the streets fronting Cardiff Road) across the railway line to a landscaped area which leads to a recently completed residential development (Lovell – Project Riverside). The metal footbridge, which is raised significantly above the railway line and land beyond, has a caged pitched roof spanning its central section (i.e. the area above the railway line). The bridge, canopy, railings and steps are painted grey.

PROPOSED DEVELOPMENT

This application seeks determination as to whether the prior approval, under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) Order 1995, of the local planning authority is required for the provision of a 1.6m long 'Anti-Clamber' plate either side of the eastern section of the bridge (this would be attached to the existing structure with half the plate extending 300mm above). A 200mm high GRP (Glass Reinforced Plastic) unit is also proposed which would be attached to the covered section of the bridge on either side.

The proposals would result in sufficient height to provide the necessary safety for members of the public following the installation of the Overhead Line Electrification (OLE) equipment along this section of the network.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration in the determination of this prior approval application.

CONSULTATION

Head of Engineering – No objection.

PUBLICITY

None required under this application.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy SW12 – Improving the Transport Network

Policy SW13 – Protecting and Improving Local Community Facilities

PLANNING CONSIDERATIONS

- A Permitted Development

Section A under Schedule 2, Part 11 of the Town & Country Planning (General Permitted Development) Order 1995 refers to permitted development and states that:

Development is authorised by:

- a) A local or private act of parliament;*
- b) An order approved by both house of parliament, or;*
- c) An order under section 14 or 16 of the Harbours Act 1964 (2)*

Which designates specifically the nature of the development and the land upon which it may be carried out.

As confirmed in the supporting information, the Taff Vale Railway Act 1836, which predated the Railway Clauses Consolidation Act 1845, followed by the further powers to widen and improve the railway by the Taff Vale Railway Act 1857 are the authorising acts in this instance. As such the proposed development meets the criteria set out under Schedule 2, Part 11 Aa) of the Town & Country Planning (General Permitted Development).

- A.1 Condition

Section A.1 under Schedule 2, Part 11 of the Town & Country Planning (General Permitted Development) Order 1995 refers to conditions and states:

Development is not permitted by class A if it consists of or includes:

- a) The erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or;*
- b) The formation, laying out or alteration of a means of access to any highway used by vehicular traffic;*

Unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A prior approval has been submitted and as such, the proposed development meets the criteria set out under Schedule 2, Part 11 A.1 (a) of the Town & Country Planning (General Permitted Development) Order 1995.

- A.2 Prior Approvals

The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that:

- a) The development ought to be and could reasonably be carried out elsewhere on the land; or*
- b) The design or external appearance of any building, bridge aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*

The proposed works are necessary to ensure the safety of the public when the railway becomes electrified. They could not be reasonably located elsewhere. The proposed development would therefore meet the criteria set out under Schedule 2, Part 11 A.2 a) of the Town & Country Planning (General Permitted Development) Order 1995.

The proposed works would have minimal visual impact on the character and appearance of the footbridge or the surrounding neighbourhood. The proposed development would therefore meet the criteria set out under Schedule 2, Part 11 A.2 b) of the Town & Country Planning (General Permitted Development) Order 1995.

CONCUSION

The proposed development is considered to be acceptable and would meet the criteria set out under Schedule 2, Part 11 of the Town & Country Planning (General Permitted Development) Order 1995.

Accordingly, the following recommendation is made:

RECOMMENDATION:

PRIOR APPROVAL NOT REQUIRED

A handwritten signature in black ink, appearing to read 'J Jones', is centered within a light gray rectangular box.

RECOMMENDATION ENDORSED

Head of Town Planning

DATE: 19/05/2022