

DELEGATED REPORT

Application No:	P/20/0307
Site Address:	Land Adjacent To Afon Taf High School Yew Street Troedyrhiw Merthyr Tydfil
Development:	Creation of footpath
Case Officer:	Marlene Ferreira
Site Visit:	17th December 2020
Application Expiry Date:	2nd February 2021
Consultation reply date expired:	4th January 2021

APPLICATION SITE

The application site relates to a strip of land located to the west of Afon Taf High School in Yew Street, Troedyrhiw and to the east of the River Taff which runs alongside it. It comprises a relatively flat and informally laid footway, measuring approximately 1.6 metres wide by 140 metres long, which runs from the southeast to the northwest and provides access from Bronheulog Terrace to the adopted lane to the rear of Yew Street. It is separated from the school by a green palisade fence, measuring approximately 2 metres in height, and from the River Taff by the existing mature vegetation and trees. The footway appears to be frequently used by local residents including school children, as a short cut between residential areas and to and from the school and nearby parks/open space. The application site also includes additional land, comprising of a part overgrown and part grassed embankment (which slopes down from the river to the school). This is separated from the existing footway by a green palisade fence, as noted above, and lies within the grounds of the school. This additional strip of land measures approximately 1 metre in width and 140 metres in length.

The application site lies within the settlement boundary and within the Afon Taf Site of Importance for Nature Conservation (SINC). It also lies within walking distance of the Troedyrhiw OAP Gardens and the Glantaff Road Playground both of which are designated open space, as indicated within the Merthyr Tydfil Local Development Plan 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to widen and improve the existing footway.

The existing 1.6 metre wide footway would be widened to a 2 metre (approximately) wide footpath. It would be formally laid in bituminous material for its entire 140 metre length. The additional land required for the widening of the path, is located to the east, within the school grounds and enclosed by a green palisade fence as explained above. The existing

fence would be removed and re-sited approximately 1 metre further to the east (and closer to the school building), to include a section of the partly grassed and partly overgrown embankment. The embankment would be re-graded and used for the provision of the extended and improved footpath, which would continue to remain an open and unrestricted pedestrian path for use by all. These works would involve the removal of six trees (including a cheery tree within the school grounds) and other vegetation alongside the river bank. A planting scheme comprising of ten replacement trees is proposed in association with these works.

PLANNING HISTORY

There is no other recent or relevant planning history which would be relevant to the consideration of this application.

CONSULTATION

The following consultations were undertaken:

Head of Engineering	No objection.
Policy Section	No objection.
Ecology Officer	No objection, subject to conditions.
Landscape Officer	No objection.
Environmental Health Manager	No response.
Natural Resources Wales (NRW)	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, four site notices were displayed within the vicinity of the site. No letters of representation have been received following this publicity exercise.

POLICY CONTEXT

- National Planning Policies

Planning Policy Wales (edition 10, December 2018)

Paragraph 3.3 refers to good design and states that '*...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...*'

Paragraph 3.14 refers to context appraisal and states that these '*...should be used to determine the appropriateness of a development proposal in responding to its*

surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...

Paragraph 3.51 states that '*...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...*'

Paragraphs 4.1.25, 4.1.28, 4.1.29, and 4.5.7 discusses sustainable travel and states that '*...walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine...the planning system has an important role to play in promoting and supporting the delivery of the Active Travel Act and creating the right environments and infrastructure to make it easier for people to walk and cycle, including new and improved routes and related facilities...new development places additional demand on transport infrastructure and networks, with the location, layout and design of development affecting the distance and way in which people travel...planning authorities should consider scope to use disused land and routes as parks, linear parks or greenways in urban areas and encourage the provision of safe and attractive cycle routes and footpaths...*'

Paragraph 5.2.8 discusses biodiversity and states that '*...the planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, in both development plans and development management decisions...*'

- TAN (Technical Advice Note)

TAN 12: Design (2016) – This TAN advises that the Welsh 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.

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 15: Development and Flood Risk (2004) – This TAN considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

- Local Planning Policies

The Merthyr Tydfil 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 SW12: Improving the Transport Network

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitat and Species

Policy EnW4: Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider in the assessment of this application relate to whether the proposed development would be acceptable in principle in this location, and whether it would be considered appropriate with regards to its impact upon the character and appearance of the area, residential amenity and ecology.

Principle of Development

The application site lies within the settlement boundary - Other Growth Areas. Policy SW4 states that development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The principle of development is therefore acceptable in this location.

The application site lies within a C2 flood zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). However, given the nature of the proposed development (and in the absence of a flood consequent assessment), NRW has not raised any objections and considers that the development could be made acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. A copy of NRW's comments has been sent to the agent for their consideration. The proposed development would therefore comply with LDP Policy EnW4.

The site is located within walking distance of two designated open spaces, Troedyrhiw OAP Gardens and the Glantaff Road Playground, located to the northwest of the application site. LDP Policy SW10 states that *'...development proposals that improve the quality, quantity or access to open space will generally be supported...'* In this instance, it is evident that the widening of the existing footway to be finished with a bituminous material, would provide a more suitable and sustainable route for use by members of the local community. It is therefore considered that the provision of the footpath would enhance the use of the open space and accord with LDP Policy SW10.

LDP Policy SW12 states that *'...development that encourages a modal shift towards sustainable transport will be supported, including the enhancement of pedestrian, cycle, rail and bus facilities in addition to necessary road improvements. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport...'* Given that the proposal would provide a wider and more suitable pedestrian path for use by the local community, this form of development would support sustainable travel methods in accordance with LDP Policy SW12.

The application site, like the existing footway, is located within the Afon Taf SINC. Policy EnW3 refers to important sites such as a SINC and explains that '*...development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves or Priority Habitat and Species, will only be permitted where it can be demonstrated that, the need for the development clearly outweighs the conservation value of the site; adverse impacts on nature conservation features or geological features can be avoided; appropriate and proportionate mitigation and compensation measures can be provided; and, the development maintains and where possible enhances biodiversity and geodiversity interests..*' It should be noted however that the parcel of land required to provide an adequate and suitable footpath would only be 1 metre wider. Thus, although the strip of land would have a length of approximately 140 metres, it would amount to a 1 metre wide loss of SINC. Although this proposal would result in the loss of six trees, including a cherry tree within the school site, measures have been put forward to mitigate for the impact the proposal would have on the quality of the SINC. These measures include the planting of ten trees to replace the six trees which are due to be felled as a result of this proposal. This planting would also enhance biodiversity. Thus, the works proposed comply with LDP Policy ENW3.

Character and Appearance

The proposed development has been considered in respect of its impact upon the character and appearance of the area. Whilst the use of a more sympathetic material surface finish would normally be encouraged, such as compacted gravel with softwood edging, it should be noted that such a material would not be adequate for all users, including wheelchair users and cyclists, and would therefore not be an acceptable surface finish. In addition, the surrounding landscaping, including the proposed planting of trees, would soften its appearance, making it more compatible within this context. As such, the proposal would therefore accord with LDP Policy SW11.

Residential Amenity

The proposed development has been considered in respect of its impact upon the amenities of nearby occupiers. The nature of the proposed development and the fact that there are no nearby residential properties immediately adjacent to the site, would mean that the development, once completed, would not have any adverse impact upon the amenities of residents. As such, the proposal would accord with LDP Policy SW11.

Ecology

The application site, being a Site for Importance for Nature Conservation, is an area with high wildlife value. As such, to ensure the protected species remain unaffected by the proposed development, the Council's Ecologist was consulted on the application. He concluded that the proposed plans, landscape specification report and landscaping plans were acceptable. As such, no objections were raised, provided that the works are carried out in accordance with the submitted information. The proposed development would therefore accord with LDP Policy EnW1.

CONCLUSION

The provision of an improved and formally laid footpath is considered necessary to serve the local community and would further enhance sustainable travel in the local area. As

such, it outweighs any harm resulting from the loss of a small section of the SINC. Notwithstanding this, landscaping proposals which would include the planting of ten trees would somewhat mitigate for this loss and support biodiversity in the area. The proposal would therefore comply with the relevant policies.

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:**

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:

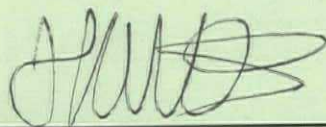
- Drawing no: C19-01, received: 8th December 2020;
- Drawing no: GC-RED-61-XX-DR-C-0004, Rev: P02, received: 21st January 2021;
- Drawing name: Planting Sheet 1, received: 21st January 2021;
- Drawing name: Planting Sheet 2, received: 21st January 2021;
- Afon Taff Riverside Landscape Specification, received: 21st January 2021.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping (as shown on drawings: Planting Sheet 1 and Planting Sheet 2, received: 21st January 2021 and Afon Taff Riverside Landscape Specification, received: 21st January 2021) shall be carried out in the first planting and seeding seasons following the completion of the development, 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, protect the quality of the SINC and in the interest of biodiversity, in accordance with Policies SW11, EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

1/2/21