



## **PLANNING & DEVELOPMENT COMMITTEE**

**4 FEBRUARY 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1352/08 (GD)  
**APPLICANT:** Rhondda Cynon Taf CBC  
**DEVELOPMENT:** As part of the dual carriageway upgrade works on the A4119 at Coed Ely, the adjacent footpath is being upgraded to an Active Travel route. As part of the upgrade a new footbridge is required over the A4119 to allow the Active Travel route to cross to the east of Coed Ely roundabout.  
**LOCATION:** **NEW FOOTBRIDGE OVER THE A4119, COEDEL, TONYREFAIL**  
**DATE REGISTERED:** 30/11/2020  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the proposed development is acceptable in terms of planning policy. Further the proposed development is acceptable in terms of all other material planning considerations. Additionally, the proposals present the opportunity to improve active travel opportunities within the area as well as deliver a key element for the redevelopment of the former colliery and coke works site.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

## **APPLICATION DETAILS**

The current proposal seeks permission to erect an active travel standard footbridge across the A4119 at a location immediately south of the Coedely roundabout. The main span will be set at 90 degrees to the road with ramped access and egress to both sides linking with established footpaths. The span will sit 5.7m above the carriageway. For the most part the ramps will be built into the earthworks that will result from the dualing process

The bridge will be of steel construction with a green painted finish with a non-slip waterproofed footplate. The bridge and ramps will have a path width of 3.8m, the span will be 29.8m across the proposed road with 3.8m x 3.8m landings at either end. The bridge and ramps will have 1.4 m high parapets to either side, though the shallow profiled steel arch of the crossing will project above on the traverse.

The application is accompanied by the following:

- Planning Statement;

## **SITE APPRAISAL**

The application site in this instance spans the existing A4119 immediately south of the Coedely roundabout. The site spans the busy road and lies in open countryside south of Coedely itself. The surrounding land is largely agricultural in nature comprising fields with mature hedgerows to the east with smaller fields and woodland to the west where the land falls away to the River Ely. Though to all intent and purposes open countryside there is a small cluster of houses approximately 180m south east of the proposed bridge crossing. Immediately north of the roundabout is the village of Coedely and the former colliery and coke works site currently the subject of ongoing redevelopment and renewal.

## **PLANNING HISTORY**

None

## **PUBLICITY**

The proposals have been advertised by means of site notice and neighbour notification letters and one objection has been received raising the following issues –

- There is no mention of compulsory purchase orders within the planning application despite such an order having been served.
- The footbridge is located in the wrong place and appears to have little value in its intent in providing access to an active travel route. Linking Coedely with the Royal Glamorgan Hospital. Many users of the cycle path heading south east tend to park haphazardly around the entrance to the former colliery site which

will continue as the project does not provide parking. Either people will be denied use of the cycle path or alternatively park haphazardly either within the redeveloped coedely site or the residential areas of Coedely causing further unintended choke points to the detriment of all.

- There is no proposal to provide a footbridge to cross the dual carriageway approximately a mile south east of the current site which would be a better location as it would open it to public access from the Llantrisant industrial estate, Llantrisant common, Royal Glamorgan Hospital and Llantrisant itself, which would be in greater alignment with the objective of the Local Development Plan to improve public access to those areas.
- The proposed development would significantly impact the amenity and privacy of surrounding land and local area by providing a dominant viewing point over it affording a commanding surveillance over the home and garden of the objector and the adjoining land.
- The proposed development would adversely affect the occupiers of Pantglas Farm as a result of increased disturbance, stress and resultant lack of privacy. No Meaningful consultation with regard to the detrimental and costly impact to quality of life and property value has been made by any Council official.
- The proposals carry a personal financial impact in the depreciation in value of the farmhouse and remaining land to a greater value than under any CPO this is a direct anticipated result of injurious affection that will be caused as a result of the scheme and current advice is that depreciation in excess of £100K will be incurred as a result of the footbridge and associated works along with the rest of the dualling project.
- The creation of the bridge will inevitably lead to increased littering in the area reducing the quality of life and will impact the natural environment even further.
- Two public consultation exercises were undertaken on the dual carriageway in 2019 and neither mentioned the proposed footbridge, or creation of active travel routes. It has been reported by the Council that the majority who attended expressed support and in favour of the proposals. The plans have though changed considerably since then to the detriment of the objector and his property resulting in injurious affection as a consequence of severance. Is a further public consultation planned to provide further transparency and clarity in the planning process?
- Alternative options such as dedicated pedestrian controlled crossings need to be considered as an alternative to this footbridge, as they could also save on costs and alleviate the visual impact of such a bridge.
- No parking is planned to service the needs of those from outside the area who would use the active travel route for recreational purposes.
- Section 11 of the planning application indicates that the proposal is not within 20 metres of a watercourse however, there is a small watercourse under the road and into the adjacent field which appears to be within 20m south east of the proposed footbridge.

## **CONSULTATION**

Transportation Section – no objections

Flood Risk Management – offer no objections or recommendation of conditions in respect of the proposals as the surface water flood risk of the proposed development will be adequately managed by the building regulations and Schedule 3 of the Flood & Water Management Act 2010

Public Health & Protection – No objections subject to conditions.

Countryside Section – are of the opinion that with suitable mitigation the application will prove acceptable in terms of planning policy requirements relating to the protecting of the natural environment

South Wales Police – No response received as the time of preparing this report.

Natural Resources Wales – Have expressed some concern at the potential impacts of the proposed development on the habitat of protected species but ultimately raise no objection to the proposals as long as appropriate conditions are applied to any permission that might be granted.

Dwr Cymru Welsh Water – raise no objections subject to conditions preventing drainage being directed towards the public sewerage system, they also advise with regard to the location of their apparatus in the vicinity of the application site.

Tonyrefail Community Council – No objection as it will provide a safe crossing route and improve opportunities for active travel within the community.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – aims to protect and enhance the distinctive natural environment of Rhondda Cynon Taf.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy SSA21(6)** – promotes the extension and improvement of the cycle network between Pontypridd and Tonyrefail via Llantrisant.

## **Supplementary Planning Guidance**

Design and Placemaking  
Access Circulation and Parking

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

### **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

The key considerations in the determination of this planning application are the principle of development itself, the impact of the proposals on the character and appearance of the area, impact on privacy and residential amenity, and the impact on access and highway safety.

## **Principle of the proposed development**

Planning policy at the local and national level is supportive of the proposed development, as despite the location outside of defined settlement limits, it will promote sustainable modes of transport in the locality as per the requirement of policy CS2 of the Local Development Plan. Whilst policy AW2 only promotes development in sustainable locations, in this instance the objective of the proposal is to improve sustainability in the transport network and as such there is no contradiction with the policy objective. The ecology of the site and the impact of the development has been appropriately considered and the outcomes are regarded as acceptable and as such the proposals are considered acceptable in terms of the requirements of Local Development Plan policy AW8. The site falls in part within zone B of the development advice maps in respect of flooding and as transport infrastructure is a form of less vulnerable development, as such there is no contradiction with the requirements of the relevant Technical Advice Note or Local Development Plan policy AW10 referenced above. Other relevant policy considerations are addressed below.

## **Impact on the character and appearance of the area**

The design of the proposed bridge is driven by the proposals for road improvements on the A4119, and the siting scale, height, massing, finish materials and detailing represent the minimum required to achieve a suitably located active travel crossing. The built form of the proposed bridge is to a suitable standard of design which through the creative use of levels and embankments will have a minimal impact on the public realm. Furthermore, the bridge will improve connectivity in the area. As such the impacts on the character and appearance of the area have been reduced to the minimum achievable for a development of the kind proposed and the improvements in connectivity are a clear benefit to the character and appearance of the area. As such the proposals are considered compliant with the requirements of Local Development Plan policies AW5 and AW6 insofar as they relate to this issue.

## **Impact on residential amenity and privacy**

The impact of the proposed bridge on the character and appearance of the site and surrounding area is considered acceptable for the reasons outlined above. Consideration also needs to be given to the potential impact of the proposed bridge on the privacy and amenity of residential property roundabout. As mentioned above, the span of the bridge would be approximately 180 metres from the nearest residential property. The approach ramps and steps to the southern side of the bridge would though be closer. However it is considered that even though the provision of the bridge along with the necessary alterations to provide the road might leave established residential properties more exposed to public views there remains sufficient distance between the bridge structure and the established homes for the proposed arrangements to be acceptable in planning terms. As such the proposal is considered compliant with the requirements of Local Development Plan policy AW5 insofar as it relates to these issues.

## **Access and highway safety**

Members should first note that the transportation Section have not objected to the proposed development and they have not requested any conditions be attached to any consent. The comments of the objector in respect of a lack of parking are noted however regardless of the bridge being built to an active travel standard there is no requirement that it should provide additional car parking, indeed such an approach would be counter intuitive if the purpose of providing the bridge is to encourage active travel in the first instance.

## **Other issues**

The application has been assessed by the Council's Public Health and Protection division who have recommended a number of conditions in relation to hours of operation, noise, dust and waste. Whilst these recommendations are noted, the issues outlined above are better dealt with by separate Environmental Health legislation and it is not considered necessary to duplicate these issues in planning conditions.

The objector complains that the description of the development (on site notices or otherwise) does not mention that the provision of the bridge makes no reference to the fact that compulsory purchase orders have been served to facilitate its construction. The purpose of the description of development is just that and it accurately describes what is proposed. There are various land ownerships known and unknown that will be affected by the proposed development and that has been appropriately dealt with by the certification that accompanies the proposed development.

The objector makes reference in a number of places to the term "injurious affection". This is a legal term that relates to the impact of land acquisition by public bodies on the persons from whom the land is acquired and is specific to that purpose. The issues it is used in connection with for planning purposes, are addressed above under the section relating to residential amenity and privacy.

The objector claims that the bridge is being proposed in the wrong place and that a better alternative would be for it to be installed approximately one mile further south. However, the application falls to be judged on its own merit in the location proposed rather than where the objector would prefer it to be. The Local Development Plan is as supportive of the proposed development at this location as it is if it were to be sited elsewhere.

The objector references a loss of value to his property. While there appears to be conflation of the effect of the dualling of the road and the building of the footbridge, ultimately, the loss of property value is not a material planning consideration.

The objector offers no evidence for the assertion that the construction of the bridge would lead to increased littering locally.

The public consultation events referred to by the objector were undertaken to inform local people of the Council's intention to dual the road and to seek their opinion in respect of it. The road improvements, it has been determined, do not require the benefit of formal planning permission, but the proposed footbridge does. The proposed bridge can only be determined on the basis of the merit of the case, and the decision cannot be influenced by any subsequent alterations that might have been made to the proposals for the road itself. The matter of a further public consultation exercise in respect of any revised road plans rests with the Transportation Section. This application has been advertised in accordance with statutory requirements for public consultation on planning applications providing the required clarity and transparency in the planning process.

The objector sets out alternative options such as the suggested pedestrian controlled crossings mentioned above. Notwithstanding that the provision of such alternatives would have an impact on the traffic flow itself, the application has to be determined on the basis of its individual merit.

The objector claims that the proposed development would in part at least be built within 20m of a watercourse this has been checked by the applicant and at its closest the bridge and its associated features would be 20.2m from the watercourse. In any event, the relative distance in this case though a material consideration, is not determinative in any way.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan insofar as they relate to the type of development proposed. Furthermore, the proposed bridge is considered acceptable in terms of all other material planning considerations. The proposals also present an opportunity to improve connectivity and sustainability in the provision of the active travel bridge and as such a positive recommendation is offered.

### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.



Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

3. Prior to their removal of any trees identified in the Richard Green Ecology Survey reports as having moderate bat potential, details of precautionary pre removal surveys shall have been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of works details of the implementation of tree mounted bat box provision as set out by Richard Green Ecology, "Tree Climbing Potential Roost Features (PRF) survey A4119 Dualing (05/01/21) and nesting bird boxes shall be submitted to the Local Planning Authority. The agreed details shall be implemented prior to the completion of works.

Reason: In the interest of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of works on site details of precautionary clearance measures and method statements for nesting birds shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved scheme

Reason: In the interest of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development, including any works of site clearance, shall commence until a dormouse habitat method statement has been submitted to and agreed in writing by the Local Planning Authority. The method statement should include:

- A plan showing habitat to be lost; the plan will identify the extent and location at an appropriate scale.

- Details of timing, phasing and duration of construction activities and conservation measures.
- Persons responsible for implementing the works
- Details of measures to prevent or reduce incidental capture or killing , including details of any directional habitat clearance proposed.

The method statement shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining and enhancing biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. The consent hereby granted relate to the following plans –

- Site location plan GC 3371-RED-61-XX-DR-S-0104 Rev P02
- Preliminary general arrangement (1 of 2) GC 3371-RED-61-XX-DR-S-0105 Rev P02
- Preliminary general arrangement (2 of 2) GC 3371-RED-61-XX-DR-S-0106 Rev P02
- Ecology summary drawing GC 3371-RED-61-XX-DR-S-0107 Rev P02

Reason: for the avoidance of doubt as to the approved plans.