

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/0396 **Grid Ref:** 277789.73 209707.84

Community Council: Ystradgynlais **Valid Date:** 02/05/2017 **Officer:** Lorraine Jenkin

Applicant: Powys County Council

Location: Sports Ground behind Pinetree Lodge, Ynyscedwyn, Ystradgynlais, Swansea SA9 2LB

Proposal: Full: Formation of a cycle path to link two sections of existing path and all associated works

Application Type: Application for Full Planning Permission

The reason for Committee determination

This application comes before Members as the applicant is Powys County Council.

Site Location and Description

This application is for the formation of a cycle path link and all the associated works.

The site is located on the edge of an area currently used as leisure and recreation, known locally as the Tic Toc fields. The proposed track will link an existing cycle track running parallel to the main Ystradgynlais bypass (A4067) to another section of existing path that skirts to the north of the Llys Ynyscedwyn residential road. The proposed path will be 75 metres in length.

The path will be a structure raised 150mm from the existing ground level and will be 2 metres wide. It will be constructed of 100 mm of type 1 sub-base, dense bitumen macadam binder course with 20mm aggregate 50mm thick, with a close graded macadam surface course with 6 mm aggregate 20mm thick.

The path will have a post and rail fence on the eastern side which will separate it from the rest of the recreation area, with a gate for access. 60mm perforated land drains will be provided either side of the structure and will lead to a soakaway in the north-west area of the immediate site.

Consultee Response

Ystradgynlais TC

5th June, 2017

At its meeting held on Thursday 1st June 2017 I wish to advise that the Ystradgynlais Town Council resolved not to offer any observation on the following applications.

Highways Dept south
26th May, 2017

The County Council as Highway Authority for the County Class I Highway, A4067:
Does not wish to comment on the application

Wales & west Utilities
11th May, 2017

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

Wales and West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

If you have any queries please contact Shannon Gibbs on 02920 278845 who will be happy to assist you.

Powys Ramblers
4th June, 2017

Thank you for the opportunity to comment on this application.

We have no adverse comments to make on this application. In the event of permission being granted can the applicant please be advised of the importance of not obstructing the nearby right of way during any works and making sure that it remains open throughout.

Representations

No representations received at the time of writing the report.

Planning History

No recent history on GIS

Principal Planning Constraints

ZoneB

UNKNOWN ALV

2.24,17044

Principal Planning Policies

National Planning Policy

Planning Policy Wales, Edition 9, 2016

Technical Advice Note 15. Development and Flood Risk (2004)

Technical Advice Note 16. Sport, Recreation and Open Spaces (2009)

Technical Advice Note 18. Transport (2007)

Local Planning Policies

Powys Unitary Development Plan, 2010

SP14 – Development in Flood Risk Areas

GP1- Development Control

GP3- Design and Energy Conservation

GP4 – Highway and Parking Requirements

ENV 2 – Safeguarding the landscape

ENV3- Safeguarding Biodiversity and Natural Habitat

T6 – Walking and Cycling

RL 6 - Rights of Way and Access to the Countryside

TR2 – Tourist Attractions and Development Areas

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose 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.

Principle of Development

The UDP states that the Council places a high priority upon improving facilities for cyclists and pedestrians. Policy T6 of the Unitary Development Plan states that proposals for the improvement of facilities and conditions for pedestrians and cyclists in terms of the existing network and in relation to new development will be approved.

In light of the above it is therefore considered that the principle of the development fundamentally complies with relevant planning policy.

Materials and Landscape Impact

With respect to design and appearance, specific reference is made to UDP policy GP1 and ENV2. The respective policies indicate that development proposals will only be permitted where the design, scale, and materials used complement and wherever possible enhance the character and appearance of the surrounding area.

The proposed cycle track will be constructed from tarmacadam to a standard specification. Although passing through a recreation area, the route has been considered to have been sensitively located and designed so as not to have an unacceptable impact on the character and appearance of the surrounding area.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Ecology

The proposed runs through a site of existing recreation ground. It will not require the removal of any trees or any plants other than grass. Given the nature of the site and the proposed works to be carried out upon it, does not give rise to any biodiversity concerns.

Flood Risk

Part of the land for the proposal is within a flood zone, and different parts of the site are considered to be low, medium and high risk. Although UDP policy SP14 states that no development shall be permitted within an area that has a high risk of flooding, it also states "unless it can be demonstrated that the development is of strategic importance and that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to unacceptable flooding impacts elsewhere".

In this instance, the cycle track crosses the corner of a sports field. It is a level development in that the actual track is raised by only 150mm from the level of the field. 60mm perforated land drains transect the site and the surrounding area and run into a drainage soakaway. It is therefore considered that the existence of the track will not result in unacceptable displacement of floodwaters elsewhere and therefore it is considered that the proposal accords with policy SP14 in this respect.

Natural Resources Wales have been consulted and have provided no response. It is therefore considered that the proposal fundamentally complies with UDP policy SP14 and Technical Advice Note 15, Development and Flood Risk (2004)

Highways

Highways have been consulted and have said that they have no comments to make. It is therefore considered that the proposal complies with UDP policy, in particular GP 4.

Rights of Way

A representative of Powys Ramblers has responded and subject to a requirement not to block the existing rights of way, he has no observations to make.

It is therefore considered that the application is acceptable within the remit of rights of way and in relation to UDP policy RL6, Rights of Way and Access to the Countryside.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

RECOMMENDATION

In light of the above, it is considered that the proposed development in principle fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXX (drawing no: Location Plan, D-009).

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

Informative Notes

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