

DELEGATED REPORT

Application No: P/24/0191

Site Address: Afon Taf High School
Yew Street
Troedyrhiw
Merthyr Tydfil
CF48 4ED

Development: Construction of new synthetic pitch and erection of associated fences, barriers and storage container. Erection of flood lighting around new synthetic pitch and existing running track.

Case Officer: Kate Glover

Site Visit: 27th August 2024

Application Expiry Date: 12th November 2024

Consultation reply date expired: 16th October 2024

APPLICATION SITE

The application relates to Afon Taf High School, which is located within the predominately residential area of Troedyrhiw. The school is located to the north of the playing fields/sports pitches associated with the school. The application site comprises of the athletics track with a rugby pitch in the centre, to the south of these is a second rugby pitch and a football pitch. To the east of the application site is a railway line and Cardiff Road, grassed areas which belong to the school are located to the south and to the west is a woodland corridor and the River Taf.

In terms of topography, the school and application site are close to the valley bottom and the ground level is relatively flat. The River Taf is approximately 12 m below the site. To the east, the trainline is a few meters above the site and the Cardiff Road several meters above the trainline.

The Afon Taf is a Site of Importance for Nature Conservation (SINC). The site is entirely within Development Advice Map C2 floodzone and the Flood Map for Planning indicates the site is in Flood Zone 3 Rivers.

PROPOSED DEVELOPMENT

Full planning permission is sought for the provision of floodlights around the athletics track and the construction of a new 3G multipurpose pitch.

The floodlighting around the athletics track would measure 15m high.

The 3G pitch would measure approximately 70.5m by 109m and incorporate two dugouts, 15m high floodlighting, 5m high ball fence, 1.2m high pedestrian barrier. The dugouts would be located on the southside of the 3G pitch and each would measure approximately 4.8m long, 1.66m deep and 3.37m high. Plans indicate that the finished colour of the dugouts would be green.

A container for the storage of equipment would be located adjacent to the proposed 3G pitch. The container would measure approximately 2.5m wide, 6m long and 2.6m high and plans indicate that the finished colour of the container would be green.

The provision of the 3G pitch would result in the loss of the rugby and football pitches to the south of the athletics track.

In terms of the use of the sports facilities outside of school hours, the following information has been provided:

- 3G Pitch

Would be open Monday to Friday: 5pm to 9pm, and Saturday and Sunday: 9am to 5pm
Floodlighting would be used up to 9pm Monday to Friday, during October to March (inclusive). The floodlighting would not be used on any Saturday or Sunday.

- The Track

Would be open until 9pm every day.

On a Monday to Thursday floodlighting would be used up to 9pm during October to March (inclusive). The floodlighting would not be used at all from any Friday to Sunday.

The application is supported with details on the management of the proposed floodlighting and light spill.

The proposal includes a number of biodiversity enhancements in the form of planting of fruit trees and wildflowers, bee hotel, hibernaculum, bird boxes and bat boxes.

Supporting information advises that there is no 3G pitch provision in the south of the Borough. The standard of the existing grass pitches is poor which results in matches being held outside of the Borough. The lack of lighting around the running track is detrimental to its use and users are having to travel outside of the Borough during the winter.

Merthyr Tydfil has the second highest rates of childhood obesity and deprivation in Wales. By providing an accessible 3G pitch and floodlighting will contribute to addressing these issues.

PLANNING HISTORY

There is no relevant planning history.

CONSULTATION

Head of Engineering & Highways: No response

Planning Division's Ecologist: No objections in principle, subject to conditions

Environmental Health Manager:	No response
Natural Resources Wales (NRW):	No objection subject to conditions
Head of Property and Estates:	No objection
Head of Education:	No response
Head of Public Health:	No objections in principle.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and site notices were displayed within the vicinity of the site.

One letter was received following this publicity exercise. However, the matters raised related to the exiting lighting on the school field and did not refer to the proposed development. As such the letter was passed on to the applicant and no further consideration has been given to the letter received.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).
Technical Advice Note 15: Development and Flood Risk (July 2004) (TAN15)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to principle of development, ecology, matters of visual amenity and Landscape, impact upon the residential amenity of neighbours, highway safety.

Principle of Development

The proposal would be located within the settlement boundary. The principle of development is acceptable and meets with the requirements of policy SW4. Furthermore the development would take place within the existing school grounds and would provide additional and enhanced community facilities that contribute to the health and wellbeing of the local and wider community.

Ecology and Protected Species

Various ecological reports and information has been submitted in support of this proposal and the key information contained within these are summarised below:

Protected and noteworthy species

The River Taf and nearby woodland have been identified as habitat for a number of protected and noteworthy species.

- Otter - There are records of otter using the River Taf corridor.
- Bats - The submitted information indicates that in the woodland and trees adjacent to the site have potential roosting features and high potential for foraging/commuting.
- Birds - There is high potential for breeding and wintering birds within the woodland and trees adjacent to the site.
- Reptiles - There is habitat suitable for reptiles along the edge of the woodland areas.

Additionally, there are habitats suitable for hedgehogs.

The woodland to the west of the site has been identified as having moderate potential for foraging bats. Trees within the woodland area are identified as having some potential for bat roosting. No further bat surveys have been carried out.

The River Taf SINC is within 25m of the site and there is a need to ensure construction activities are appropriately managed to prevent detrimental impact on these habitats and any protected species. A condition can be used to secure a Construction Environmental Management Plan (CEMP) to minimise any ecological impacts.

The proposed floodlighting has the potential to impact on the River Taf corridor and the nearby woodland.

Information on the current lighting level across the site are indicated to be low in the area of the River Taff SINC and land to the south of the site. It is noted that the site is located in an urban area and there is a railway line to the east of the proposal site.

The ecologist advises the proposed floodlighting cannot have a colour temperature above 2700K and lighting guidance advises that levels should not exceed 0.2lux on the horizontal plane or 0.4lux on the vertical plane.

The floodlights for the 3G pitch would be used Monday to Friday up to 9pm from October to March (inclusive) and no lighting Saturday and Sunday.

The floodlights for the athletics track would be used Monday to Thursday up to 9pm from October to March (inclusive) and no lighting Friday to Sunday.

Information on floodlighting and light spill indicates that there would be some light spill of up to 2 lux over the front half of the trees located closest to the lighting columns serving the athletics track.

The front of one tree located 7.7m of the 3G pitch would experience 1 lux.

Therefore, most of the trees/woodland area and river corridor would be at 0 lux and all the trees/woodland and river corridor would remain unaffected by the floodlights for the majority of the dark night time period. The proposal would not significantly impact on foraging bats.

Due to their location the trees with bat roosting features are unaffected by light spill.

In conclusion, whilst there are some light levels that are above the 0.2 and 0.4 lux, light spill would not significantly impact upon the majority of the woodland/trees, River Taf SINC and protected and noteworthy species.

The site itself is located on the playing fields and the ecological habitat is well maintained grassland. As such there would be no direct impact on ecology.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). The application is supported with a GIS.

Ecological enhancements are listed in the submitted GIS, these features would provide additional habitats in the local area and contribute to the wider green infrastructure objectives. Further details relating to the implementation and location of the enhancements shall be secured by condition.

The Planning Ecologist has requested a Landscaping, Habitat & Ecology Scheme (LHES) is secured by condition. Given the ecological value of the grassland area to be lost and the biodiversity enhancements already proposed, a condition that seeks to secure further ecological enhancements would not be proportionate.

Pollution and environmental impacts

NRW have noted the proximity of the proposal to the River Taf and have raised no objection to the proposal subject to a condition to secure a Construction Environment

Management Plan (CEMP) to ensure control of pollution prevention for the water environment is achieved. Similarly the Council's Ecologist has also recommended a CEMP be secured to ensure appropriate measures are put in place to protect ecology interests.

It is also noted that no objections were received from the Planning Authority's Environmental Health Manager.

Invasive Non-Native Species (INNS)

There is Japanese knotweed and Himalayan balsam recorded within the woodland to the west of the site and close the boundary of the school and measures will need to be put in place to avoid its spread. This can be appropriately addressed and incorporated as an element of CEMP condition.

Ecological Enhancement

As noted above, a number of ecological enhancements are included in the proposal. A condition will be necessary requiring specific details of the proposed enhancements so these can be adequately provided.

The proposed development would therefore comply with LDP Policy EnW1, EnW2, EnW3 and EnW4.

Visual amenity and Landscape

The proposals would be located within the existing school grounds and be observed in the context of the school buildings and sporting activities associated with the school. As such, there would not be any significant impact on the surrounding landscape or visual amenity.

The proposed development would therefore comply with LDP Policy SW11.

Residential amenity

The proposal would be used in support of the existing school and the land is currently used as a sports field. The installation of floodlights would extend the times at which the sporting facilities could be used.

The athletics track is located approximately 63m from the nearest residential property (Cardiff Road). It is considered that the use of the track until 9pm (Monday to Friday) and between 8 am and 9pm (Saturday and Sunday) would not cause a significant level of disturbance to nearby residents.

The proposed 3G pitch would be located approximately 60m from the nearest residential property (Cardiff Road). It is considered that the use of the pitch up to 9pm (Monday to Friday) and between 9am to 5pm (Saturday and Sunday) would not cause a significant level of disturbance to nearby residents.

In terms of any impacts on residential amenities caused by the proposed floodlighting, the Environmental Health Manager (EHM) has no objection to the principle of floodlighting. The EHM adds that any light nuisance complaints would be investigated as potential statutory nuisance, which if deemed to exist may result in additional mitigation works being required to abate any nuisance. The EHM has not requested any further information to be

submitted in support of the proposal. As such the levels of lighting experienced by neighbouring properties would not cause a significant level of disturbance to nearby residents. Any matters relating to public nuisance can be dealt with under powers separate from the planning system.

It should be noted that no letters of objection were received in respect of the proposed development.

The proposed development would therefore comply with LDP Policy SW11.

Flooding

NRW Flood Risk Map confirms the application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 3 Rivers.

A Flood Consequence Assessment has been submitted in support of the proposal. NRW note that there would be an average flood depth of 0.09m during a 1 in 100 year event, (plus climate change) and flood depths of between 1.16m and 1.54m, could be experienced during a 1 in 1000 year event.

NRW advise that the proposal would have a negligible impact on flooding elsewhere and any detriment would be largely contained within the site boundary of the school. As such NRW have not objected to the proposal on grounds of flood risk. It is also noted that no objections were received from the Head of Engineering and Highways.

The proposed development would therefore comply with LDP Policy EnW4 and TAN15.

Conclusion

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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 Title: Proposed Plans, Elevations and Sections, Drawing No.: AFON TAF 01, Received on 8 August 2024.

Drawing Title: Proposed Site Plan, Drawing No.: AFON TAF 02, Received on 8 August 2024.

Green Infrastructure Statement (Document Ref: WWE24118 GIS dated 12/09/2024).

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

3. **No development shall commence**, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason - In the interest of protecting the environment and to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

4. **Prior to the beneficial use of the development hereby approved**, details of the biodiversity enhancements, as set out in the Green Infrastructure Statement (Document Ref: WWE24118 GIS dated 12/09/2024), shall be submitted to and agreed in writing by the local planning authority. The details shall include a plan to illustrate the location of the enhancements within the site and a timescale for its implementation. The development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

5. **Prior to the erection of any external lighting hereby approved**, full details of a lighting scheme shall be submitted to and approved in writing by the local planning authority, which shall include:

- Details of the floodlights to be used, including the colour temperature
- A plan illustrating the lux levels across the site
- Details of the mitigation measures to be put in place to minimise the light spill towards the woodland corridor and River Taff to the west of the site.

The development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. The athletics track and associated floodlighting hereby approved shall not be in use before 8am or after 9pm on Mondays to Fridays and not before 8am or after 9pm on Saturdays and Sundays.

Reason - In the interest of the visual and residential amenities of the surrounding area and to protect the natural environment, in accordance with Policies SW11, EnW1, EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. The 3G pitch and associated floodlighting hereby approved shall not be in use before 8am or after 9pm on Mondays to Fridays and not before 9am or after 5pm on Saturdays and Sundays.

Reason - In the interest of the visual and residential amenities of the surrounding area and to protect the natural environment, in accordance with Policies SW11, EnW1, EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 17.10/2024