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COMMITTEE	Planning and Regulatory
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Application No.
P/23/0131

Date
15th May 2023

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

Demolition of existing school and construction of a new school building within the existing site, including sports facilities and associated landscaping, access and engineering works, temporary staff car park, construction compound and classrooms during construction

Bishop Hedley High School
Gwaunfarren Road
Penydarren
Merthyr Tydfil
CF47 9AN

Merthyr Tydfil County Borough Council
c/o DPP Planning
F.a.o. Mr Leo Horton-Taylor
Desg, 11-13 Penhill Road
Pontcanna
Cardiff



APPLICATION SITE

This application relates to the Bishop Hedley High School, which is surrounded by the residential areas of Penydarren and Galon-Uchaf. The school grounds is split into two distinct areas to the north and south that are separated by Gwaunfarren Road but are connected together by a pedestrian underpass.

The northern half of the site accommodates the main high school building with associated landscaped play areas and is bound by Galon Uchaf Road to the west and allotments to the east. Vehicle access into this part of the site is from Galon Uchaf Road, which leads into a car parking area. The southern half of the site accommodates additional classroom buildings, a sports hall and playground/pitches and is largely surrounded by residential properties with Gwaunfarren Primary School to the south-west. Vehicle access into this part of the site is from Gwaunfarren Road.

This application also includes a large area of green openspace to the north-west of Galon Uchaf Road, known as the 'Greenie', which lies adjacent to Galon Uchaf Park/sports field.

The surrounding area can be described as residential, characterised by two storey, brick built and rendered dwellings and large areas of open green space and mature vegetation. The site, it is characterised by various, predominantly brick, buildings connected together with a modular form of varying heights up to four storeys, set within a steeply sloping and undulating landform. The boundaries of the site are formed by mature belts of vegetation and hedgerows.

PROPOSED DEVELOPMENT

Full planning permission is sought for the phased demolition of Bishop Hedley High School and the construction of a new school building within the existing site. The intension is to create a new all-through 3 to 16 school to replace the existing St Aloysius RC Primary School, the Federation of St Illtyd's RC, St Mary's RC Primary School and Bishop Hedley School. The proposed school would accommodate a 525 pupils place primary school with a 100 full time equivalent pupil place nursery and a 600 pupil (4 form entry) secondary school with community use. The development will include improved sports facilities, associated landscaping, access and engineering works, as well as new carparks, drop-off/pickup areas and improvements to the pedestrian access arrangements.

Below is a summary of the proposed works:

- Demolish all existing buildings on the Bishop Hedley School site with the exception of the existing sports hall.
- Construction of a new two, three and four storey building to incorporate a nursery, primary phase, secondary phase all though school with community use.
- Extension of the existing sports hall to form changing rooms and classroom accommodation, as well as remodelling and over-cladding of the building envelope.
- Construction of a new sports pitch on Galon Uchaf Park with associated pedestrian and emergency vehicle access.
- Construction of new sports pitches and spaces for outdoor learning and recreation for school pupils on the Bishop Hedley School site.

- Improvements to the existing pedestrian underpass with new passenger lift to improve accessibility.
- New vehicle access routes from the highway, parking and drop off areas.
- Highway improvements to Galon Uchaf Road and Gwaunfarren Road.

Given the complex site levels, the northern part of the site would accommodate the main built development and is split into a primary wing to the north (two storey), shared wing in the centre (three storey) and a secondary wing to the south (part 3 and 4 storey). The external material finishes of the new school building would largely comprise a mixture of facing brickwork and powder coated aluminium cladding to provide contrast finishes that reflect different elements of the building and express the interconnections between the different wings.

The shared space in the centre of the building would include a chapel, shared kitchen and community room. The primary wing would comprise of both the nursery and primary classrooms. The secondary wing would comprise of a number of classrooms as well as the secondary dining hall. A number of designated outdoor play areas for the nursery, primary and secondary groups would be provided to the north and east of the school building.

The form of the new school building has been developed to reflect the need to achieve an efficient footprint, create good external play areas in proximity to key internal spaces, good levels of natural daylight to all areas and good visibility and supervision across the building and external areas. The southern part of the site would be utilised mainly for sports facilities (sports hall and sports pitches) and car parking.

To the west of the proposed school building a new drop-off parking area with a total of 31 parking spaces and 5 disabled bays would be provided, along with a layby for 2 mini-buses. This would be accessed from Galon Uchaf Road and would operate a one-way system. The main car park located in the southern part of the site would accommodate 98 parking spaces, which includes 3 disabled bays, 14 electric vehicle space and 7 spaces reserved for car share. The main car park would accommodate a proposed drop-off area with links to the pedestrian underpass. Additionally, drop-off laybys would be provided on either side of Gwaunfarren Road, which can accommodate a total of 27 cars.

In terms of cycling there would be provision for a total of 28 cycle spaces within a sheltered area close to the nursery wing and 28 cycle spaces in a sheltered area adjacent (to the south) to the secondary wing. A further 56 cycle spaces would be provided in the southern part of the site, adjacent to the main carpark.

A detailed landscaping scheme has been submitted which seeks to retain as much of the existing features where possible, particularly along the eastern boundary adjoining the allotments. Extensive planting would be introduced to provide a mixture of woodland areas, hedgerow planting, shrub planting, establish areas of wildflower grassland and planting which forms part of a sustainable drainage solution for the site.

To enable the phased development of the site, it is proposed that temporary classroom buildings would be introduced in the car park area of the southern part of the site while construction works take place in the northern part of the site. A temporary compound and carpark would also be setup on the green open space to the west of Galon Unchaf Road during construction for staff and contractors. A temporary drop-off and pick-up area would

be provided on Gwaunfarren Road during the course of construction. Following the completion of the development the green open space would be restored to its former use and enhanced with wildflower planting.

The following documents have been submitted in support of this application:

- A suite of detailed plans
- Environmental Plan
- Arboricultural Report
- Environmental Noise Assessment
- Transport Assessment
- Travel Plan
- Drainage Strategy Report
- Site Investigation Report
- Preliminary Ecological Assessment
- Bat Survey
- PAC Report
- Planning Statement
- Design & Access Statement

PLANNING HISTORY

- P/12/0208 - Installation of solar photovoltaic modules to the flat and pitched roofs.
Granted planning permission on 20.09.2012
- P/96/0208 - Demolition of existing sports hall and replacement with new one.
Granted planning permission on 26.07.1996

CONSULTATION

Internal consultees

- | | | |
|----------------------------------|---|--|
| Head of Engineering and Highways | - | No objection subject to conditions relating to highway improvement works, parking and a travel plan. |
| Policy Officer | - | No objection. |
| Ecology Officer | - | No objection subject to conditions relating to ecological mitigation and enhancement measures. |
| Environmental Health Manager | - | No objection subject to conditions relating to construction hours, dust management, land contamination and imported soils/materials. |

External consultees

Natural Resources Wales	-	No objection subject to conditions relating to land contamination, pilling works and surface water.
The Coal Authority	-	No objection subject to conditions relating to site investigation works.
Welsh Water	-	No objection subject to conditions relating to surface and land drainage, protection of the public sewer and installation of a grease trap.
South Wales Police	-	No objection and advice provided in respect of security.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 25th May 2023, site notices were displayed within the vicinity of the site on 26th May 2023 and a press notice in the local newspaper was published on 8th June 2023.

As a result of this publicity exercise, one letter of objection was received which, in summary, highlighted the following concerns:

- The temporary compound would include a new access/entrance on to Galon Uchaf Road, which is fast and busy road and currently has no traffic calming measures. The additional traffic on to this road raises highway safety concerns.
- Ground stability concerns within Buttercup Field which includes made up ground.
- Water run-off concerns from Buttercup field which could destabilising the ground and affect the properties in Billingham Crescent.
- Potential impact on the trees and ecology within and surrounding Buttercup Field, which could be permanently lost.
- Potential increase in noise and air pollution as a result of the temporary carpark which could have an impact on health.
- Concerns that the removal of knotweed could result in the loss of vegetation which helps to provide some security to the rear of adjacent properties.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 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.

Policy 2: Supports the growth and regeneration of towns and cities, which should contribute towards sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed use centres and public transport, integrated with green infrastructure.

Policy 9: To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure. This can include safeguarding areas of ecological importance, as well as identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking. Opportunities for multiple social, economic and environmental benefits must be maximised when investing in flood risk management infrastructure.

Policy 12: Improving regional connectivity should be supported and in urban areas, priority should be given to improving and integrating active travel and public transport. Active travel must be an essential and integral component of all new development, large and small.

Planning Policy Wales, Edition 11

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.0.3 seeks to ensure new development is designed in a way that minimises the need to travel, reduced dependency on the private car and enable sustainable access to employment, local services and community facilities. This is achieved through integrating development with sustainable transport and maximise the provision and use of sustainable forms of travel.

Para 4.1.40 encourages the use of ultra low emissions vehicles including the provision of charging points for electric vehicles.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Paragraph 6.9.16 – Whenever development or re-development potential exists the planning system will be the preferred means of addressing potential land contamination.

Paragraph 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Para 6.7.22 – 6.7.25 set out the need to have regard to the air quality and noise levels, as well as any local and regional air quality action plans and strategies. Regard should also be given to the contribution of green infrastructure in terms of maintaining good air quality.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:

TAN 5: Nature Conservation and Planning (September 2009) sets out measures that should be followed in delivering the protection and enhancement of nature conservation.

TAN 11: Noise (Oct 1997) provides advice on how the planning system can be used to minimise the adverse impact of noise.

TAN 12: Design (March 2016) 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 18: Transport (March 2007) describes how to integrate land use and transport planning and explains how transport impact should be assessed and mitigated.

Local planning policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016 – 2031:

- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network
- Policy SW13 - Protecting and Improving Local Community Facilities
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW2 - Internationally and Nationally Protected Sites and Species
- Policy EnW4 - Environmental Protection
- Policy EnW9 - District Heating Area

Supplementary Planning Guidance (SPG):

- SPG 2 Planning Obligations, March 2012
- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

Principle of development

The application site lies within the settlement boundary where the majority of new development is generally encouraged and supported by Policy SW4 of the LDP. The site already accommodates a high school building, sports facilities and associated play areas and parking provision. As such, the use of the land to provide educational facilities is already well established. The proposal will provide a new all-through school that seeks to support pupils from year 3 to year 16. The vision for the development as set out in the Design and Access Statement notes:

'This school is a faith school, that is intrinsic in its culture and ethos, to open a school that supports the journey of faith for children and their families from 3-16 has to be built in from the beginning'... 'This is not a primary and secondary school in one building, it must allow for 3-16 philosophy to be realised wherever possible. There must be learning areas that can be shared by children and young people of all ages'... 'There must be opportunity for outdoor learning'... 'Areas for independent learning for older children need to be built in'... 'It will be a community faith school. It will support the community of its learners, but it will also support the local community'... 'There must be opportunity for the community to use the facilities after school and on weekends'.

Although the proposal seeks to replace a number of existing faith schools in the local area, there is a clear intention to provide a new and improved educational facility with a strong emphasis on community cohesion and integration between pupils of all ages that is intrinsic to its culture. The development would also create opportunities for the local community to use the facilities provided. As such, the principle of the development is acceptable and would accord with Policies SW4 and SW13 of the LDP.

Design approach

The re-development of the school site creates an opportunity to provide a new modern building that has its own identity, which is a focal point to the local community that instils placemaking principles and enhances the quality and character of the surrounding environment.

The Design and Access Statement (DAS) provides a detailed analysis of the opportunity and constraints of the site as well as the various iterations that have informed the final design for the development. One of the key placemaking objectives was to provide a unified building to express a single all-through school, whilst maintaining the segregations between the age groups. The DAS notes the *'proposal provides a single form broken down into its component elements to create a sense of place for nursery, primary, secondary, shared, sport and community spaces, expressing these both in the building form and landscape.*

Each element of the building has its own identity with the overall composition of a single building’.

The building massing has been designed to provide interesting and useful landscaped areas with its interlocking forms generating the opportunity for a roof garden, external courtyards and spaces to gather outdoors. The overall size of the building has also been informed by the need to accommodate a number of facilities to serve an all-through school and the need to provide flexible spaces. The scale of the building in places would not be dissimilar to the existing school building and where its scale does change, it has been designed to avoid creating over-imposing forms. Additionally, the undulating topography has had a significant impact on the building design. The layout of the building helps to provide enclosed areas between the different wings of the building to define the different play spaces.

The material finishes to the school building would comprise a combination of brickwork and metal cladding with large areas of glazing. The materials have been chosen for their robustness and to create some visual contrast that helps to break up the overall mass of the building. Careful consideration has been given to the nature and use of the various parts of the building, which in turn has informed the fenestration pattern to ensure maximum natural light can be provided in the classrooms.

The existing sports hall located in the southern part of the school grounds would be refurbished with a two storey extension to accommodate changing rooms and classrooms. The extension would be of a similar scale to the existing building and would be of a modular form comprising two main structures linked together by a central corridor. The external finishes would include brickwork and metal cladding to reflect the materials to be used on the main school.

The proposed development has been appropriately designed, which reflects the constraints of the site and ensures it is fit for purposes as an all-through school. The proposed modern building would replace an outdated school and would greatly improve the quality of the site. Both the internal spaces and external areas around the school have been carefully considered to create distinct areas that support a range of age groups. The architectural design and appearance of the building would also integrate well with the surrounding area and would present a key focal point within the local community. Accordingly, the development complies with Policy SW11 of the LDP.

Highway implications

The main vehicular access serving the proposed school building would be via a new arrangement off Galon Uchaf Road, with a new entrance (to the north) and exit point (to the south) that operates a one-way system within the site. A secondary service access to the south of the school building from Gwaunfarren Road would be provided, which also serves an energy centre. The access into the proposed carpark in the southern half of the school grounds would utilise the existing entrance off Gwaunfarren Road. Additionally, during the construction phase, vehicular access from Galon Uchaf Road would be created to serve a temporary carpark and compound (on the ‘greenie’) to the west of the site. Following the completion of the development, this access point would be retained to maintain a pedestrian link between the school and the sports field and would provide access for emergency vehicles.

The new access arrangements would be complimented by the introduction of highway improvements along Galon Uchaf Road and Gwaunfareen Road. This would include a speed table at the junction where the two roads meet to provide a traffic-calming feature. A series of zebra crossings and puffin crossings would be strategically located along the highways to provide safe pedestrian crossings to the school, together with the widening of some footways. Furthermore, the existing underpass (crossing Gwaunfarren Road) would be retained to provide a link between the car park and the school with a new platform lift installed to improve its accessibility.

A Transport Assessment (TA) has been submitted in support of the application, which considers the existing access arrangements serving Bishop Hedley High School and the implications of the proposed development. This takes in account the fact that a number of schools in separate locations would be merged together within the site, the proposed access and parking proposals, as well as the potential traffic generated.

The TA notes that the proposed school would accommodate 625 primary school aged children (including 100 nursery places). This would be 128 more pupils than the combined 497 pupils from the three primary schools that would transfer to the new school. There would also be a total of 600 secondary school year pupils, which is similar to the 584 pupils at Bishop Hedley High School. The staff numbers would remain broadly the same to the existing 108 that are employed across the four schools that would transfer to the new school.

Within the site, appropriate parking provision is made for the anticipated parking demand, ensuring that overspill parking would not be problematic. The layout of the parking area is intuitive and allows for passengers to alight onto footways. Buses and service vehicles can circulate without the need for hazardous reversing movements.

The TA has indicated that those pupils that attend Bishop Hedley School, who would attend the new school, would have a negligible impact on traffic conditions. The pupils that would transfer from the three primary school sites to the new school would not result in an increase in overall traffic generation across Merthyr Tydfil. The TA highlights that the travel surveys have established that the proportion of primary school aged children that would be driven to the school will remain broadly consistent with existing levels. Whilst the TA considers that there would be a reduction in the proportion of primary aged children walking to school, this would be balanced by an increase in the use of school transport and public transport.

Whilst Gwaunfarren Road and Galon Uchaf Road would experience an increase in traffic, the TA noted that this would be balanced by a decrease of traffic near the three primary schools site that are being vacated. The traffic analysis and junction modelling has established that Gwaunfarren Road and Galon Uchaf Road has the capacity to accept the anticipated increase in traffic.

A Travel Plan has also been submitted in support of the application, which seeks to encourage more sustainable travel choices and reduce the traffic generation and parking demand of the school. This includes the introduction of a car share scheme, with dedicated parking to support this within the carpark to the south of the school. Walking and cycling to

the school is to be promoted and the provision for sheltered cycle stands would be accommodated in various parts of the school grounds.

It is concluded in the TA that *'the proposed development is in an appropriate and accessible location. It is served by a safe access, relevant parking provision is made and it is considered that the traffic generated by the development will have no significant impact on the highway conditions. As such it is considered that there are no highway or transportation issues that should prevent the proposal from gaining planning permission'*. It is acknowledged that the Head of Engineering and Highways is satisfied with the assessments carried out and has raised no highway safety concerns or objection to the conclusions reached in the TA. Therefore, the proposal complies with Policy SW11 of the LDP.

Amenity impact

The proposed development has the potential to impact on the amenities of a number of residential properties both during construction and following the completion of the development. In respect of the works to the west of Galon Uchaf Road, which involves a temporary compound/carpark and the construction of an improved sports field, this part of the development has the potential to affect the adjoining residential properties that front onto Galon Uchaf Road and the properties within Billingham Crescent.

The sports field to the rear of the properties that front onto Galon Uchaf Road would be upgraded to improve the drainage across the land. Acoustic fencing was initially proposed along the eastern perimeter to help minimise any noise when in use. However, given that the sports field will only be used by the school, residents indicated a preference to not have the acoustic fence in place. There are currently no floodlights serving the pitch which may otherwise be a source of nuisance. Additionally, a 4m high ballstop fence is proposed. Whilst there is some inter-visibility between the sports pitch and these properties, additional planting is proposed adjacent to the rear garden boundaries that would provide additional screening.

The effect on the properties within Billingham Crescent would be limited to the construction period, during which time there would be a temporary compound (to house the site offices) and parking facility. The main source of nuisance would likely be associated with the traffic movements. Access to this area would be via a new temporary access road from Galon Uchaf, which would later serve as a pedestrian/emergency access to the sports pitch. This access would be located some 162m away from Billingham Crescent. The car parking area would extend within approximately 40m of the rear garden boundaries of Billingham Crescent with a large area of mature trees and dense vegetation providing a buffer zone. Although there is potential for some disturbance, particularly at peak times, this is not deemed to be significant to warrant the refusal of the application, given its temporary nature and location close to a busy road that would already generate a degree of traffic noise in the area.

The construction works associated with the new school building within the northern part of the school grounds would likely be the main source of noise and disturbance to the surrounding residential properties. Whilst this nuisance would be temporary in nature, it would need to be managed by the contractors with appropriate measures implemented. This can be addressed as part of a Construction Management Plan. Additionally, a

condition can be imposed to limit the demolition and construction hours to appropriate times. Once the school building has been completed, there would no doubt be a degree of noise typically associated with a school premises (i.e. children playing outside). Given that the site already accommodates a high school, it is considered that the proposal would not differ greatly from its current use. Additionally, the playground areas are located to the north and east of the building where the site backs on to allotments, which helps to minimise any nuisance.

In the southern part of the school ground, there would be a degree of noise and disturbance during the demolition of the school building and the construction works to the sports hall. As noted above this would be addressed in a Construction Management Plan with restricted hours of construction. The provision of sports facilities and sports pitches in the southern part of the school grounds would not differ greatly from its current use. It is acknowledged that a new carpark would be constructed with nearby drop-off and pick-up points, which may be a source of nuisance. However, it is noted that a carpark already exists in a similar location (albeit smaller) and that an existing lane separates the nearby residential properties to the east from the site.

It is acknowledged that as a result of the publicity exercise only 1 letter of objection was received which highlighted potential noise concerns for the residents of Billingham Crescent. This was in relation to the temporary carpark as noted above. Overall, there were no significant concerns raised by the local residents in respect of the wider nature of the proposed development. This is reflected in the Pre-application Consultation Report (PAC) of which no objections were raised and one letter of support from the residents along Galon Uchaf Road was received. Accordingly, the development does not give rise to any significant amenity concerns and accords with Policy SW11 of the LDP.

Ecological impact

An Ecological Impact Assessment report has been submitted in support of the application, which considers the potential impact of the development on the protected species and/or habitats. This included a number of bat surveys, which observed two common pipistrelle bats emerging from the main school building from two separate locations on the northern elevation. The ecological report confirms that part of the school building is being used as a bat roost. Accordingly, a license from Natural Resources Wales (NRW) would be required prior to its demolition. Further activity surveys were undertaken to determine whether any of the existing trees or hedgerows that may be affected by the development may also be used by bats, only one tree was identified as having moderate potential to be used by bats.

It has also been identified that the removal of any hedgerows and trees within the site has the potential to impact on nesting birds. This can be avoided with any clearance works being undertaken at the appropriate time of year. Furthermore, there is potential for the development to have an impact on reptile habitats i.e. the grassland areas, scrub vegetation, hedgerows and tree lines around the periphery of the site. This can be appropriately mitigated with a suitable methodology for the clearance of any vegetation to ensure no harm to reptiles.

It is recommended in the ecological report that the landscaping scheme should include the planting of native hedgerows and woodland with understory planting to replace any features that were lost. Where appropriate, wildflower mixes, an orchard and meadow mixes shall be

provided. The details of this shall be included within an Ecological Management Plan, which shall also set out the maintenance and aftercare regime. Additionally, ecological enhancements are proposed, which would include the provision of 8 integrated bat boxes and 12 integrated bird boxes on the various elevations of the school building and sports hall.

Whilst a large proportion of the school site comprises various buildings and hardstanding areas, it is acknowledged that the temporary carpark to the west of the site would result in a large area of grassland being disturbed. It is noted on the submitted plans that following the completion of the development, this grassland habitat would be subsequently restored and enhanced with a wildflower mix to improve its biodiversity interest. As part of the habitat enhancements the ecological report notes 4 woodland areas would be created to the north of the site and 6 woodland areas within the southern part. Rain gardens and SUDs would also be planted around the southern carpark to increase biodiversity interest.

The Ecology Officer is satisfied with the survey work that has been undertaken and has not raised any objection to the proposed development. Particularly in response to the presence of roosting bats within the site, it has been advised that a Bat Method Statement be secured by condition to ensure that all sensitive areas of the school buildings are appropriately dismantled under supervision. The Ecology Officer has requested a lighting strategy be provided to ensure appropriate dark corridors across the site are maintained for nocturnal species. It is acknowledged that NRW has not raised any objection to the development.

It is acknowledged that the development has the potential to impact on a number protected species and habitats. However, these impacts would be significantly reduced with appropriate mitigation measures, which can be secured by condition. Therefore, the proposal complies with policies EnW1 and EnW2 of the LDP.

Ground conditions

It has been identified by The Coal Authority (TCA) that the application lies within an area that is at high risk from past underground coal mining activities at shallow depths. The TCA has noted that within or in close proximity to the boundaries of the application site, there are seven recorded mine entries (shafts and adits). Initial intrusive site investigations have been carried and a Site Investigation Report (SIR) has been submitted in support of the application, which considers the potential impact of any ground stability concerns.

Within the grounds of the Bishop Hedley School, the majority of the area is underlain by made ground of varying thickness. There are also recorded shallow ironstone workings and a coal outcrop identified beneath the site, as well as two mine shafts.

It has been identified in the SIR that the majority of the land to the west of Galon Uchaf Road (the greenie) is underlain by made ground consisting of landfill waste material. As such, any works that may disturb the ground in that area would require environmental permits from Natural Resources Wales.

It has been acknowledged by TCA that appropriate up-to-date geological and mining information has been obtained, and that appropriate intrusive site investigations to date have been carried out. Additionally TCA has indicated *'the report is able to confirm that five of the recorded mine entries have been investigated, none of which were located. Given*

that these locations are in areas where no built development is proposed, and that proposals in these areas are to complement existing sports infrastructure or represent forms of development that would meet with the Coal Authority's Exemption Criteria, we concur in that no further works would be proportionate. In terms of the recorded shallow workings underlying parts of the site, no built development is proposed in these locations'.

'we welcome that the built development has been designed around mine entry 305207-009 (mine shaft closest to the school) and that further investigations are proposed to investigate it to determine any necessary remedial measures. This could be ensured by way of condition. However, given again both the existing sports infrastructure and that proposals within the area of 305207-022 (in the southern part of the site) meet with the Coal Authority's Exemption Criteria, we do not consider that it would be reasonable to seek to ensure the investigation/remediation of this coal mining feature'.

Whilst further intrusive investigations are required following the demolition of the school building, the SIR indicates reinforced strip/trench foundations could be utilised to address any potential stability concerns in the construction of the new school building.

Accordingly, TCA concur with the recommendation of the SIR and have not raised any objection to the development subject to further intrusive investigations being carried out, which can be addressed by condition. It is considered that the site can be appropriately and safely redeveloped and that any potential ground stability concerns can be appropriately mitigated. Therefore, the proposal complies with Policy EnW4 of the LDP.

In regard to land contamination, no significant concerns were identified in the SIR, although some elevated levels of beryllium and three PAH compounds (benzo(a)pyrene, benzo(b)fluoranthene and dibenzo(ah)anthracene) were noted, particularly in areas of made ground. Given the extent of the built development and hard surfacing proposed in the northern part of the site, the SIR considers the exposure to any land contamination would be eliminated. However, the southern part of the site and the land to the west of Galon Uchaf Road would largely consist of sports pitches and areas of soft landscaping. As such, the SIR indicates a minimum of 600mm thick clean imported subsoil and topsoil should be put in place to provide a capping layer for protection. It is acknowledged that Environmental Health and NRW have not raised any objections and an appropriate condition can be imposed to ensure the appropriate mitigation measures are implemented to accord with Policy EnW4 of the LDP.

Publicity response

Whilst the concerns raised as a result of the publicity exercise have largely been addressed above, the following matters have also been taken into consideration:

- It is acknowledged that made ground, old workings and a tip have been identified in the Site Investigation Report across the site, which includes the land to the west of the site. The site investigations do not highlight any significant stability concerns that may otherwise prevent the use of the temporary car park. However, it is noted that further intrusive investigations would be carried out. It is not anticipated that the proposed temporary carpark would give rise to significant stability concerns that may effect the neighbouring properties.

- Appropriate drainage systems would need to be implemented to ensure any water run-off from the temporary carpark is appropriately managed. This would involve utilising existing soakaway systems and where appropriate the provision of additional sustainable drainage systems i.e. swales and detention basins. The final drainage scheme would be agreed as part of a separate SAB (Sustainable drainage Approval Body) application.
- It is acknowledged that the development would have some impact on the grassland habitat area on the land to the west of the school site to accommodate the temporary carpark. However this land would be reinstated and improved following the removal of the carpark. The existing woodland/vegetation along the periphery of the grassland area would be retained.
- Whilst the development would have some impact on the locality in terms of air pollution and noise, particularly during the construction phase, this can be minimised with the provision of a Construction Management Plan to minimise dust and construction hours. The impact from the temporary carpark would also be limited to the construction phase and would be replaced by the new carpark located within the main school grounds.
- Japanese Knotweed has been identified within the site, particularly in close proximity of the temporary carpark. It is proposed for these areas to be treated to ensure this invasive species is eradicated. Whilst this may result in cleared pockets within the landscape, it is nonetheless necessary for the invasive species to be removed. Any cleared areas would likely establish itself as vegetated land naturally.

CONCLUSIONS

For the reasons set out above, the principle of the development is acceptable and the proposal would make provision for a new and improved educational facility to serve the wider community. The development has been carefully designed to integrate well with the surrounding area and appropriately addresses the constraints of the site. The impact on the highway network has been taken into consideration with appropriate parking provision to support the development, whilst encouraging more sustainable forms of travel. The landscaping scheme has been designed to help define different usable spaces around the school, whilst providing ecological enhancements.

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:

BCA-ATK-VX-ZZ-DR-A-021001 P06 - Site Wide General Arrangement Plan
BCA-ATK-VX-ZZ-DR-A-021002 P06 - Site 1 of 2 General Arrangement Plan
BCA-ATK-VX-ZZ-DR-A-021003 P04 - Site 2 of 2 General Arrangement Plan
BCA-CAN-ZZ-ZZ-GA-S-0070 P01 - Mine Constraints

BCA-ATK-V1-00-DR-A-011001 P11 - Level 00 - General Arrangement Plan
BCA-ATK-V1-01-DR-A-011002 P11 - Level 01 - General Arrangement Plan
BCA-ATK-V1-02-DR-A-011003 P11 - Level 02 - General Arrangement Plan
BCA-ATK-V1-03-DR-A-011004 P11 - Level 03 - General Arrangement Plan
BCA-ATK-V1-R1-DR-A-011005 P8 - Roof Level - General Arrangement Plan

BCA-ATK-V1-ZZ-DR-A-012002 P7 - General Arrangement Elevations 1 of 2 Planning
BCA-ATK-V1-ZZ-DR-A-012003 P6 - General Arrangement Elevations 2 of 2 Planning
BCA-ATK-V1-ZZ-DR-A-013001 P4 - General Arrangement Sections

BCA-ATK-V3-ZZ-DR-A-011001 P2 - Plant Compound - GA Ground Floor Plan & Roof Plan
BCA-ATK-V3-ZZ-DR-A-013001 C2 - Plant Compound - GA Elevations

BCA-ATK-V2-ZZ-DR-A-016001 P3 - Sports Hall Elevations and Sections Planning
BCA-ATK-V3-ZZ-DR-A-011006 P7 - Sports Hall - Ground & First Floor General Arrangement Plan
BCA-ATK-V2-RF-DR-A-011010 P1 - Roof Plan - Planning
BCA-ATK-V4-ZZ-DR-A-012021 P2 - Tunnel Enclosure Elevations

L220118-311 Rev A - Temporary Classroom Elevations
L220118-111 Rev A - Temporary Classroom Floor Plans
L220118-211 Rev A - Temporary Classroom Steel Plan

BCA-ATK-XX-XX-SW-LA-423000 P06 - Landscape Sections 1 of 3
BCA-ATK-XX-XX-SW-LA-423001 P06 - Landscape Sections 2 of 3
BCA-ATK-XX-XX-SW-LA-423002 P07 - Landscape Sections 3 of 3
BCA-ATK-XX-XX-SW-LA-423210 P03 - BB 98&99
BCA-ATK-XX-XX-DR-LA-423001 P08 - Landscape General Arrangement
BCA-ATK-XX-XX-DR-LA-423002 P02 - Landscape GA - North Site

BCA-ATK-XX-XX-DR-LA-423003 P05 - Landscape GA - South Site
BCA-ATK-XX-XX-DR-LA-423004 P05 - Landscape GA - West Site (Rugby Pitch)

BCA-ATK-XX-XX-DR-LA-423009 P04 - Landscape Site Wide Fencing GA
BCA-ATK-XX-XX-DR-LA-423010 P02 - Landscape Fencing GA - North Site
BCA-ATK-XX-XX-DR-LA-423011 P02 - Landscape Fencing GA - South Site
BCA-ATK-XX-XX-DR-LA-423012 P04 - Landscape Fencing GA - West Site (Rugby Pitch)

Project Environmental Plan RMS-PL-025, Rev B
Arboricultural Report, dated 24.04.2023
BCA-CAM-ZZ-XX-RP-TR-0053 P04 - Travel Plan
BCA-CAM-ZZ-XX-RP-C-0020 P03 - Drainage Strategy Report
Site Investigation Report - 14075/FG/22/SI/Rev B
Ecological Impact Assessment V3.0, dated 05.09.2023
Bats & Trees Survey Report V3.0, dated 09.2023

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

3. Prior to any construction works commencing on site details/samples of the materials to be used in the construction of the external surfaces of the school building, tunnel enclosure and extended sports hall shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Prior to the construction of any retaining walls which exceeds 1m in height, details, including structural calculations and facing materials, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the occupation of the school building hereby approved a details of the boundary treatments as illustrated in drawing BCA-ATK-XX-XX-DR-LA-423009 P04 - Landscape Site Wide Fencing GA shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved prior to the school building being brought into beneficial use.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. No development shall commence, excluding demolition and early works (specifically S.278 highway works and temporary classrooms), until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses and potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site [largely completed]

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason - To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

7. Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason - To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason - To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

9. If piling or any other foundation designs using penetrative methods are proposed, no development shall commence, excluding demolition and early works (specifically site compound and temporary car park, S.278 highway works and temporary classrooms), until details of the proposed works sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason - Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

10. No development shall commence within the areas identified on plan ref. BCA-CAM-ZZ-ZZ-GA-S-0070-P01 until;

a. A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by recorded mine entry 305207-009 , and;

b. Any remediation works and/or mitigation measures to address land instability arising from the recorded mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations

and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out, in accordance with policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

12. Prior to the occupation of the development, the parking spaces indicated on drawing No. BCA-ATK-XX-XX-DR-LA-423001 Rev P7, titled 'Landscape General Arrangement' shall be provided on site and shall remain available for the purpose of vehicular parking at all times thereafter.

Reason - To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

13. Prior to any construction works commencing on site the position of any public sewer that either crosses the development site or is in close proximity to its boundaries shall be accurately located, marked out on site before construction works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason - To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety, in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

14. The development hereby approved shall not be brought into beneficial use until details for the provision of a grease trap has been installed in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage

15. Demolition or construction works shall not take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

16. Prior to any vegetation clearance works in the areas where Japanese Knotweed has been identified, as illustrated in the Project Environmental Plan, details of a scheme for the eradication of Japanese Knotweed (*Fallonica japonica*, *Rouse decraene*, *Polygonum cuspidatum*) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

17. **No development shall commence**, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved management plan shall be adhered to throughout the construction period. The plan shall provide for:
- i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during demolition and construction; and
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) protection measures for all retained habitats during construction

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan..

18. **No development shall commence**, including any works of demolition until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the local planning authority. These details shall include:
- planting plans, illustrating areas of onsite habitats to be retained, protected and enhanced;
 - a Reptile Mitigation Strategy;
 - a Bat Method Statement;
 - an implementation programme including the phasing of works; and
 - details of the qualified person who will provide ecological supervision.

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

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

19. **No development shall commence** on site until a Bat Method Statement has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

20. Prior to the installation of any external lighting, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:
- horizontal and vertical illuminance plans demonstrating dark corridors/routes to be provided from north to south and east to west across the site, together with dark routes for access to the integral bat boxes.
 - a plan illustrating the lux levels across the site overlaid with the dark corridors
 - the onsite lighting shall include details of the proposed colour temperatures
 - details of night control to ensure lighting is not operational when not required.

The lighting scheme shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

21. Prior to the development hereby approved being brought into beneficial use, the integral bat boxes and bird boxes shall be provided in accordance with the Ecological Impact Assessment and in the locations specified on drawing BCA-ATK-V2-ZZ-DR-A-016001 P3, BCA-ATK-V1-ZZ-DR-A-012002 P6 and BCA-ATK-V1-ZZ-DR-A-012003 P6

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

22. Prior to the development hereby approved being brought into beneficial use, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- All species (including the grass seed mixes) which shall be native species of local (if not Welsh provenance);
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - an implementation programme, including the phasing of work and the removal of the temporary carpark and its reinstatement back to grassland habitat (as illustrated on Landscape General Arrangement Plan); and
 - details for the management of the landscaped areas.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of each phase of the development; and any trees or plants which within a period of 5 years from the completion of the each phase 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

2. The applicant / developer is strongly advised to liaise with Dwr Cymru Welsh Water in relation to any connections to the public sewer and/or to any works which affect the line of or are in close proximity to existing public sewers and/or water mains.

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