
From: Cross, David
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To: Watkins, Emma
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Thanks Emma

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DELEGATED REPORT

Application No:	P/23/0126
Site Address:	Dowlais Primary School Market Street Dowlais Merthyr Tydfil CF48 3HW
Development:	Construction of new single storey detached class room building
Case Officer:	Emma Watkins
Application Expiry Date:	11th July 2023
Consultation reply date expired:	9th August 2023

APPLICATION SITE

The application site is an area of grassland to the rear of the existing main Ty Dysgu School Building. The school is accessed from and located directly to the rear of properties on Market Street, Dowlais. There is also a pedestrian access to the school from High Street. Due to the location of the site, existing built form, existing boundary features and surrounding topography there are only glimpse views into the site from public viewpoints.

PROPOSED DEVELOPMENT

The application is for a single storey building in the northern part of the site, behind and adjacent to existing school buildings. The full detail can be seen on the accompanying proposed plan and elevations but briefly the proposed building includes 3 no. classrooms, pupil and staff WCs, staff room, office, plant room and a front reception area. The building has a contemporary design, with a roofscape to reflect the 3 no. classrooms separately with linking elements. The two end classrooms will have a shallow pitched roof whilst the middle section will have a flat roof. Proposed materials include:

- walls - mix of white smooth render and vertical red cedar cladding board
- windows - powder coated aluminium
- rainwater goods - powder coated aluminium gutter and downpipe. colour RAL to match window and roof
- external door - powder coated aluminium
- roof - Euroclad metal roof sheeting or similar approved

Car parking for the additional staff associated with the new classrooms will be within the car parking area which is directly to the west of the existing main school building.

The application has been supported by a Landscape Management Plan, Preliminary Ecological Appraisal, and a Coal Mining Risk Assessment. Whilst the location of the building will necessitate the removal of a few trees, there is complementary planting proposed as part of the soft landscaping proposals.

PLANNING HISTORY

No relevant Planning History.

CONSULTATION

Highways – No objection

Planning Ecology – No objection, subject to condition

Coal Authority – No objection, subject to condition

Welsh Water – No objection, subject to condition and notes

South Wales Police – No objection

Public Protection – No response received

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, 2 no. site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

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

TAN 12 - Design advises that the Assembly 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.

Local Policy

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

- Policy SW4: Settlement Boundaries
 - 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 EnW4: Environmental Protection
 - Policy EcW9: District Heating Area
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- Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
 - Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Development

PLANNING CONSIDERATIONS

The key considerations in the determination of this application relate to the principle of development, visual and neighbouring amenity, highways, drainage, ecology and coal mining risk.

Principle of Development

The application site is located within the Merthyr Tydfil Primary Growth Area and settlement boundary (SW4) where new development is generally supported. The proposal is for single storey classroom building including 3 no. classrooms, within the existing school site and the principle of the development is considered acceptable subject to the proposals being compatible with the plan's other policies and all other material considerations.

Policy SW13 supports the provision of new and enhanced community facilities, subject to satisfying other relevant LDP policies.

In addition, one of the key LDP policies for consideration is policy SW11 which advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate, new development will be required to (amongst other things): 1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density; 2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape; 3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design; 4. minimise the demand for energy and utilise renewable energy resources; 5. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts.

Visual and neighbouring amenity

The proposed classroom building is single storey with a contemporary design and located well within the boundaries of the existing school site, behind the existing school building. The school site itself is well screened, due to its location to the rear of existing residential development and due to the topography of the surrounding area. The visual impact of the building will be limited to immediate views within the school grounds, where the buildings design and features will be appropriate to its local context in terms of scale, height, massing, elevational treatment, and materials in compliance with Policy SW11 (criterion 1).

Whilst there is residential development in the vicinity of the site, all properties are sufficiently distanced even from the boundary of the school grounds to not raise any concerns with regards unacceptable impacts on neighbouring amenity in compliance with Policy SW11 (criterion 3).

Highways

The proposal is for 3 no. new classrooms within a detached classroom building, which will result in additional staff numbers. The Head of Engineering and Highways originally raised some concerns about the capacity of car parking at the school however additional information was received from the applicant which demonstrated that the proposal meets the required parking standards and confirmed that the school is currently over provided with car parking spaces totalling 32no, so no additional parking is proposed.

The existing access to the school from the public highway is not going to change and the proposed building is on an existing grassed area so will not impact internal circulation in the school grounds.

The Head of Engineering and Highways raises no objection to the application nor any conditions. The proposal complies with policy SW11 (criterion 5).

Drainage

Welsh Water has been consulted and does not object to the proposal subject to a condition to restrict surface water and / or land drainage connecting directly or indirectly to the public sewage network. Regarding sewage disposal, Welsh Water confirms that they have no objection in principle to the foul flows discharging to the public sewer. Welsh Water have made reference to a public sewer crossing the site (and provided a plan with an approximate location). This has been discussed with the applicants who asked their drainage consultants to carry out further investigative work. The on-site surveys verified that the 225mm sewer shown on the drainage records isn't on site.

The proposal has been accompanied by a Drainage Strategy and drawings; the detail of which will be subject to an application to the SuDS Approval Body (SAB) where Welsh Water will also be a statutory consultee.

The proposal complies with policy SW11 (criterion 5).

Ecology

The application site area is an existing grassed area to the rear of the existing school building, with a small number of existing trees. The application is supported by a

Preliminary Ecological Appraisal, soft landscaping proposals and a Landscape Management Plan, all of which have been reviewed and accepted by the planning ecologist. Following some initial concerns, amended drawings and documents were submitted and included the use of all native species in the planting proposals and integrated bat and bird boxes in the school building. These drawings and documents will form part of the approved plans and documents. A further condition is suggested to ensure that the detail of any lighting proposal is submitted prior to installation so that it can be assessed in conjunction with the proposals for biodiversity enhancements.

The Planning Ecologist raises no objection to the application. The proposal complies with LDP policy EnW1.

Coal Mining Risk

The application site falls within the defined Development High Risk Area. This means that The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application.

The Coal Authority has reviewed the submitted Coal Mining Risk Assessment and the available evidence in the report does consider that there is a risk to the proposed development from potential unrecorded shallow workings. Accordingly, recommendations have been made that to mitigate the risk and to characterise the depth / condition of any coal seams / workings, intrusive ground investigations are required. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. A suitably worded condition has been suggested and is attached.

The Coal Authority also ask the applicant to note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. A note will be added to this effect.

CONCLUSION

The proposed development, for the reasons discussed above, is considered acceptable and would accord with the relevant policies.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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:

- Site Location Plan (no drawing number)
- Proposed Site Plan (drawing no. 2221-02 Rev H)
- Proposed Floor Plan and Roof Plan (drawing no. 2221-03 Rev H)
- Proposed Elevations (drawing no. 2221-04 Rev G)
- Soft Landscaping Proposals Sheet 1 of 2 (drawing no. LB398_D01 Rev A)
- Soft Landscaping Proposals Sheet 2 of 2 (drawing no. LB398_D01 Rev A)
- Preliminary Ecological Appraisal (Wildwood Ecology, 10/3/23 Rev B)
- Coal Mining Risk Assessment (Spectrum Geo Services, January 2023)
- Landscape Management Plan (Laird Bailey Landscape Architects - LB398_R01 Rev A)
- Drainage Strategy (Vale Consultancy - Ref 16691 - DSR R08)
- Email from Darren Payne, cfw architect, detailing existing and proposed parking arrangements (received 22.06.23)

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

3. **No development shall commence until:**

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity.
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full, 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.

4. **Prior to the occupation of the development or it being taken into beneficial use** , a signed statement or declaration prepared by a suitably qualified 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

5. **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 no. 2221-03 Rev H and drawing no. 2221-04 Rev G.

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

6. **Prior to the erection or installation of any external lighting**, a lighting plan demonstrating no direct illumination of the bat boxes (as shown on drawing no. 2221-03 Rev H and drawing no. 2221-04 Rev G), dark routes away from the bat boxes to link up with surrounding community and foraging habitat and dark site boundaries, shall be submitted to and approved in writing by the local planning authority. The external lighting shall be carried out in accordance with the approved details and all onsite lighting must comply with Guide Note 08/23 Bats and Artificial Lighting at Night (Bat Conservation Trust and Institute of Lighting Professionals 2023).

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

7. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

8. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 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.

INFORMATIVES

1. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.
3. 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.

4. 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.

5. 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. Please refer to the consultation response from DCWW dated 18.07.2023 for full advisory notes.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 21.10.2023