

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
The Town and Country Planning (Development Management Procedure)
(Wales) Order 2012 (as amended)

FULL PLANNING PERMISSION

To: Merthyr Tydfil County Borough Council c/o Cfw Architects Ltd F.a.o. Darren Pain The
Hawthorns 6 North Road CF10 3DU

WHEREAS you submitted an application on the 16th May 2023 to develop: Dowlais Primary School
Market Street Dowlais Merthyr Tydfil CF48 3HW short particulars of the application being as follows:-

Name of the Applicant

Merthyr Tydfil County Borough Council
F.a.o. Mr Chris Evans
Unit 5 Triangle Business Park
Pentrebach
Methyr Tydfil

Description of Proposed Development

Construction of new single storey detached class room
building (Full)

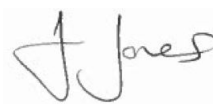
The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans (if any) submitted with the application subject to compliance with the following conditions.

CONDITIONS

Please see attached.

Date: 31st October 2023

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

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, re existing & proposed parking arrangements (26.06.23)

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.

NOTES

Your attention is drawn to the following:-

Appeals to the Planning & Environment Decisions Wales:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning & Environment Decisions Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. Alternatively you can use Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal.
- The Planning & Environment Decisions Wales can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Planning & Environment Decisions Wales need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Planning & Environment Decisions Wales does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or Planning & Environment Decisions Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS
LISTED BUILDING LEGISLATION
HIGHWAY LEGISLATION

IF PLANNING PERMISSION HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

Please quote the application number in all correspondence.