

DELEGATED REPORT

Application No:

P/21/0352

Site Address:

Dowlais Primary School
High Street
Caeharris
Merthyr Tydfil
CF48 3HB

Development:

Proposed single storey building to accommodate day care facilities with associated new footpath, landscaping and play area

Case Officer:

Caroline Pulley

Site Visit:

Application Expiry Date:

6th December 2021

Consultation reply date expired:

17th November 2021

APPLICATION SITE

The application relates to a primary school located within a mixed use area but one which is primarily residential in character. The site is bound by highways, residential dwellings, a playground and undeveloped land. The proposed scheme would located on an area of a grassed playground located to the north of the school buildings. This area is located in close proximity to a number of trees.

PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a single storey building to accommodate childcare facilities with an associated play area, footpath and landscaping.

The nursery/day care building is proposed to be located on the playing fields to the north of the existing school building. It would form a single storey structure with dimensions of 10m in width, 16.1m in depth and a maximum of 4.3m in height. The external walls of the building are to be finished with horizontal fibre cement wall cladding and the roof is proposed to be covered with membrane and is to include an array of solar panels to the south west roof plane. The windows and doors are to be made from polyester powder coated (PPC) aluminium. The building would be orientated to face south (towards the rear elevation of the existing school). It would accommodate an entrance lobby, a kitchen, an open plan child activity space, an office, toilets and storage. Externally, it would feature two canopies, one positioned along its front south-eastern elevation and another positioned along the north-eastern side elevation of the building. An enclosed playground area measuring 179 square metres in area would also be provided to the west of the building. The plans also detail some minor level changes being made to the site.

The facility would be connected to the north elevation of the existing school building by a new tarmac footpath. Minor works would be undertaken within the school grounds to provide an extended footpath and direct pedestrian route to the nursery/day care facility. As part of this, a section of the stone wall and metal railings which form the boundary to High Street would be removed in order to provide a new dedicated pedestrian access route through the school grounds.

A proposed landscaping scheme has been submitted with the application setting out the planting of 7 new trees along the western boundary of the school. The submitted plans also detail some other biodiversity enhancements for the site, which include a sparrow nest box along the north-western side elevation of the proposed building and the siting of a bat box on a nearby tree.

The application is also accompanied by the following reports:

- Landscape Management and Maintenance Plan;
- A Coal Mining Report;
- A Site Investigations Report;
- Ecological Report; and
- Arboricultural Implications Assessment and Method Statement

PLANNING HISTORY

The recent history relating to the school is as follows:

P/18/0382

Erect 3 canopies within the school site
Approved – 14.01.2019

P/18/0143

Siting of cabin to contain classrooms, toilets and store rooms
Approved – 10.08.2018

P/14/0043

New accessible ramp to existing crèche and provision of soft play area
Approved – 08.04.2014

CONSULTATION

Head of Engineering:

No objection.

Environmental Health Officer:

No objection.

Council's Arboriculturist:

No objection, noting that the proposal would not compromise the health of the surrounding trees.

Council's Landscape Architect:

No response.

The Coal Authority:

No objection, however it is noted that more detailed consideration of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Welsh Water:

No objection.

Planning Division's Ecologist: No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and three 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 EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Development

PLANNING CONSIDERATIONS

The application site is located within settlement limits and within the curtilage of the existing school. Therefore, the principle of erecting a nursery/day care building on the site is acceptable.

The main issues to be considered when determining this application are therefore:

- The impact of the development on the character and appearance of the existing site and the wider area;
- The impact of the development on the amenity of neighbouring residents; and
- The highway/pedestrian safety implications of the development.

While it is regrettable that the development would cut into the grounds of the existing playing field, the proposed building would be sited in close proximity to the existing school buildings. It would not look overly out of place in terms of its siting and being a single storey structure it would have a limited impact on the area. Also, the finish proposed for the cladding of the external walls would give the building a modern and up to date appearance. Overall, the proposed building, canopies, ground works and playground area would have an acceptable impact on the visual amenities of the area and is in accordance with Policy SW11 of the LDP.

Regard has also been had to the potential impact of the proposed building and structures on surrounding residents. The siting and height of the building and canopies are such that the proposal would not result in any significant overbearing impact or loss of light to neighbouring properties. Thus, the impact of the proposed development would be minimal. Consequently, the proposal is acceptable in this regard.

In terms of highway safety, the building would be accessed through the school grounds utilising the existing access arrangements, albeit with some improvements taking place within the site to create a dedicated pedestrian route to the nursery/day care facility. While the provision of a nursery/day care facility is likely to result in an increased number of visitors attending the school, the site is located in a highly sustainable location, which is easily accessible on foot. Also, vehicular access to the site is restricted by a gated access. Therefore, while the number of visitors would increase and there may be some increase in traffic movements around the school in peak periods, the proposal would not result in significant harm to the free flow of traffic on the adjoining roads. Indeed, the position of the school is such that it encourages parents/children/teachers to use modes of transport other than car. Accordingly, the proposed classroom building and walkway is acceptable from a parking and highway safety perspective.

Other matters

The Coal Authority has confirmed that the development site falls within a high risk area for coal mining activities. Accordingly, a Site Investigation Report has been provided as part of this application. This report concludes that the site is safe and suitable for development. Accordingly, the Coal Authority has not raised any objection to the scheme nor have they suggested any pre-commencement conditions.

Ecology

The application is accompanied by an Ecological Assessment Report, an Arboricultural Implications Assessment and Method Statement, and a Landscape Management Plan. These reports have been reviewed by the Council's Ecologist who has raised no objection to the scheme, subject to the suggested ecological enhancements being controlled by way of a condition. It should also be noted that the Council's Arboriculturist has advised that the scheme would not compromise the health of the trees within the vicinity of the development.

Conclusion

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

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:

Drawing no. TS1428 PA-01 received on 11.10.21
Drawing no. TS1428 PA-02 received on 11.10.21
Drawing no. TS1428 PA-03 B received on 24.11.21
Drawing no. TS1428 PA-04 received on 11.10.21
Drawing no. TS1428 PA-05 received on 11.10.21
Drawing no. TS1428 PA-06 received on 11.10.21
Drawing no. TS1428 PA-07 received on 11.10.21
Drawing no. TS1428 PA-08 received on 11.10.21
Landscape Management and Maintenance Plan Rev B received on 24.11.21
Geo-Environmental and Geotechnical Report received on 11.10.21
Ecological Report received on 02.11.21
Arboricultural Implications Assessment and Method Statement received on 11.10.2021

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

3. Prior to the construction of the nursery/daycare building hereby approved details and/or samples (including colour) of the materials to be used in the construction of the external surfaces of the building and canopies 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. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

5. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The 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 .

6. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. TS1428 PA-03 B) shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 - In the interests of Biodiversity and to ensure that the new development will be visually attractive in the interests of amenity and to accord with Policies EnW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The developer is advised to contact Merthyr Tydfil County Borough Council's Highway Division regarding any works affecting the adopted footway/highway BEFORE construction works commence. This approval is independent of any planning approval.

2. The developer's attention is drawn to the comments and advice received from Welsh Water during the application process.

The developer may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private

Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. The developer shall obtain all other necessary consents **BEFORE** works commence including BUILDING REGULATION approval.

4. 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.

5. 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.

6. During all excavation works a watching brief should be maintained for unrecorded mine entries, or other coal mining anomalies, and action taken as appropriate. If any coal mining features are unexpectedly encountered during development, work should be ceased and this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

7. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public

Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.



RECOMMENDATION ENDORSED

Head of Town Planning

DATE: 24/11/21